Vol. XX—No. 1

Council Proceedings

Official Report

Bengal Legislative Council

Twentieth Session, 1926

16th to 19th and 22nd to 25th February, 1926

CALCUTTA:
Bengal Secretariat Book Depot.
1926.

Published by the Bengal Secretariat Book Depot, Writers' Buildings, Calcutta.

Agents in India.

Messrs. S. K. Lahiri & Co., Printers and Booksellers, College Street, Calcutta

Messrs. Thacker, Spink & Co., Calcutta

Customers in the United Kingdom and the Continent of Europe may obtain publications either direct from the High Commissioner's office or through any book-seller.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble VICTOR ALEXANDER GEORGE ROBERT BULWER-LYTTON, Earl of Lytton, P.C., G.C.S.I., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir HUGH STEPHENSON, K.C.I.E., C.S.I., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Jails.
7. Judicial.
8. Legislative, including the Executive Administration of the Legislative Department and elections for Indian and Provincial Legislatures, subject to rules framed under sections 64 (*1*) and 72 (*a*) of the Government of India Act.

The Hon'ble Mr. J. DONALD, C.S.I., C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. Education.
6. Public Works.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded areas.
4. Irrigation.
5. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.
6. Local Self-Government.

The Hon'ble NAWAB BAHADUR SAIYID NAWAB ALI CHAUDHURI, KHAN BAHADUR, C.I.E., in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Agriculture and Industries.
7. Excise.
8. Registration.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY.

DEPUTY PRESIDENT.

DR. ABDULLAH AL-MAMUN SUHRAWARDY.

Panel of Chairmen for the Twentieth Session.

Babu JATINDRA NATH BASU.

Maulvi EKRAMUL HUQ.

Mr. G. MORGAN.

Raja MANMATHA NATH RAY CHAUDHURI of Santosh.

Secretary to the Council—J. BARTLEY, I.C.S. (on leave), A. DE C. WILLIAMS, I.C.S., (Offg.).

Assistant Secretaries to the Council—A. M. HUTCHISON (on leave), K. N. MAJUMDAR, and J. W. MC KAY, (Offg.).

Registrar to the Council—M. MUKHERJI (Offg.).

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addams-Williams, Mr. C., C.I.E. (Nominated Official.)
Addy, Babu Amulya Dhone. (Bengal National Chamber of Commerce.)
Ahamad, Maulvi Asimuddin. [Tippera (Muhammadan).]
Ahmed, Maulvi Tayebuddin. [Mymensingh East (Muhammadan).]
Ahmed, Maulvi Zannoor. [Burdwan Division South (Muhammadan).]
Ahsanullah, Mollah. [Rajshahi North (Muhammadan).]
Aley, Khan Bahadur S. Mahboob. [Calcutta North (Muhammadan).]
Ali, Maulvi Sayyed Sultan. [Khulna (Muhammadan).]
Ali, Mr. Altaf. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader. [Dinajpur (Muhammadan).]
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Satya Kishore. (Burdwan Landholders.)
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. (Nominated Non-official.)
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Sarat Chandra. [Burdwan (Non-Muhammadan).]
Birley, Mr. L., C.I.E. (Nominated Official.)
Biswas, Mr. Abdul Latif, B.L. [Dacca West (Rural) Muhammadan.]
Bose, Babu Bejoy Krishna. (Calcutta University.)

C

Campbell, Mr. K. (Bengal Chamber of Commerce.)
Chakravarti, Mr. Byomkes. [24-Parganas Rural South (Non-Muhammadan).]
Chakravarti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravorty, Babu Sudarsan. [Rajshahi (Non-Muhammadan).]

Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E., [Member, Executive Council.]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhury, Maulvi Md. Nurul Huq. [Chittagong (Muhammadan).]
Chaudhury, Maulvi Saiyed Abdur Rob. [Faridpur South (Muhammadan).]
Child, Mr. R. H. (Bengal Chamber of Commerce.)
Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Chunder, Mr. Nirmal Chandra. [Calcutta North Central (Non-Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.).
Cooper, Mr. C. G. (Indian Jute Mills Association.)
Corcoran, Mr. B. J. [Dacca and Chittagong (European).]
Crawford, Mr. T. C. (Indian Tea Association.)

D

Das, Babu Charu Chandra. (Nominated Non-official.)
Das, Dr. Mohini Mohan. [Faridpur South (Non-Muhammadan).]
Das, Rai Bahadur Amar Nath. (Nominated Official.)
Das Gupta, Dr. J. M. [Bogra *cum* Pabna (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Daud, Mr. M. (Nominated Non-official.)
De, Mr. K. C., C.I.E. (Nominated Official.)
Dey, Babu Boroda Prosad. [Hooghly Municipal (Non-Muhammadan).]
Donald, the Hon'ble Mr. J., C.S.I., C.I.E. (Member, Executive Council.)
Doss, Rai Bahadur Pyari Lal, M.B.E. [Dacca City (Non-Muhammadan).]
Drummond, Mr. J. G. (Nominated Official.)
Dutt, Mr. G. S. (Nominated Official.)

F

Faroqui, Khan Bahadur K. G. M. (Nominated Non-official.)
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gafur, Maulvi Abdul. [Pabna (Muhammadan).]
Ganguly, Babu Khagendra Nath. [Howrah Municipal (Non-Muhammadan).]
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan. [Mymensingh West (Muhammadan).]
Goenka, Rai Bahadur Badridas. (Bengal Marwari Association.)
Guha, Mr. P. N. (Nominated Non-official.)

H

Haldar, Mr. S. N. [Calcutta South (Non-Muhammadan).]
Haq, Khan Bahadur Kazi Zahirul. [Dacca East Rural (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Heard, Major-General Richard, C.I.E., M.D., K.H.S., I.M.S. (Nominated Official.)
Hopkyns, Mr. W. S., O.B.E. (Nominated Official.)
Hoque, Maulvi Sayedul. [Noakhali (Muhammadan).]
Hossain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Wahed. [Barrackpore Municipal (Muhammadan).]
Huq, Maulvi A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Huq, Mr. Mahbubul. [24-Parganas Municipal (Muhammadan).]

J

James, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]
Jennaway, Mr. J. H. (Indian Mining Association.)
Joardar, Maulvi Attab Hossain. [Nadia (Muhammadan).]

K

Khaitan, Babu Debi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Abdur Raschid. [Noakhali (Muhammadan).]
Khan, Maulvi Amanat. [Chittagong (Muhammadan).]
Khan, Maulvi Mahi Uddin. [Rangpur East (Muhammadan).]

L

Lal Mahammad, Haji. [Rajshahi South (Muhammadan).]
Law, Raja Reshee Case, C.I.E. (Bengal National Chamber of Commerce.)
Liddell, Mr. H. C. (Nominated Official.)
Lindsay, Mr. J. H., I.C.S. (Nominated Official.)

M

Muhammad, Maulvi Basar. [Rangpur West (Muhammadan).]
Maity, Babu Mahendra Nath. [Midnapore South (Non-Muhammadan).]
Masih, Mr. Syed M. [Faridpur North (Muhammadan).]
McAlpin, Mr. M. C., C.I.E. (Expert, nominated.)
Mitra, Babu Jogendra Nath. [Jessore South (Non-Muhammadan).]
Mitra, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]

Mitter, Sir Provash Chunder, Kt., C.I.E. (Presidency Landholders.)
Moreno, Dr. H. W. B. (Anglo-Indian.)
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Babu Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)
Mumin, Khan Bahadur Md. Abdul. (Expert, nominated.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Khaje. [Bakarganj South (Muhammadan).]
Neogi, Babu Manmohon. [Mymensingh West (Non-Muhammadan).]

O

Oaten, Mr. E. F. (Nominated Official.)

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Philip, Mr. J. Y. (Bengal Chamber of Commerce.)

Q

Quader, Maulvi Abdul. [Jessore South (Muhammadan).]

R

Rahim, Sir Abd-ur, K.C.S.I. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Rahman, Mr. A. F. (Dacca University.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Babu Abanish Chandra. [Birbhum (Non-Muhammadan).]
Ray, Babu Anilbaran. [Bankura West (Non-Muhammadan).]
Ray, Babu Nagendra Narayan. [Rangpur (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
*Ray, the Hon'ble Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra of Nadia. (Member, Executive Council.)
Ray Chaudhuri, Babu Haripada. (Expert, nominated.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
Ray Chaudhuri, Raja Manmatha Nath, of Santosh. (Dacca Landholders.)

* President of the Bengal Legislative Council.

Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Satcowripati. [Calcutta North-West (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N. [Jessore North (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. S. N., I.C.S. (Nominated Official.)
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Raja Maniloll Singh, C.I.E., of Chakdighi. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Salam, Khan Bahadur Maulvi Abdus. [Jessore North (Muhammadan).]
Sarkar, Babu Hemanta Kumar. [Nadia (Non-Muhammadan).]
Sarkar, Maulvi Allah Buksh. [Dacca City (Muhammadan).]
Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sasmal, Mr. B. N. [Midnapore South (Non-Muhammadan).]
Sen, Mr. N. C. [Bakarganj North (Non-Muhammadan).]
Sen Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Simpson, Mr. J. W. A. (Indian Jute Mills Association.)
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Skinner, Mr. S. A. (Bengal Chamber of Commerce.)
Snaith, Mr. J. F. (Calcutta Trades.)
Stephenson, the Hon'ble Sir Hugh, K.C.I.E., C.S.I. (Member, Executive Council.)
*Suhrawardy, Dr. A. [24-Parganas Rural (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Calcutta South (Muhammadan).]

T

Tarafdar, Maulvi Rajib Uddin. [Bogra Muhammadan).]
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

V

Villiers, Mr. Edward. [Presidency and Burdwan (European).]

W

Wilson, Mr. R. B., C.I.E. (Bengal Chamber of Commerce.)
Woodhead, Mr. J. A. (Nominated Official.)

Y

Yasin, Maulvi Muhammadan. [Burdwan Division North (Muhammadan).]

* Deputy President of the Bengal Legislative Council.

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Twentieth Session.)

VOLUME XX—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday the 16th February, 1926, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 115 nominated and elected members.

OATH OR AFFIRMATION.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. J. G. DRUMMOND, I.C.S.
Rai AMAR NATH DAS Bahadur.
Sir ABD-UR-RAHIM, K.C.S.I.
Mr. R. B. WILSON, C.I.E.
Mr. R. H. CHILD.
Mr. J. Y. PHILIP.
Mr. S. A. SKINNER.
Mr. G. MORGAN.
Mr. C. G. COOPER.
Mr. J. W. A. SIMPSON.
Mr. T. C. CRAWFORD.
Mr. ABDUL LATIF BISWAS.

Obituary References.

Mr. PRESIDENT: Gentlemen of the Council,—Since we met last, death has taken away three of our friends with whom this Council had been connected at one time or other. One of them, Maulvi Najmuddin Ahmed, was a sitting member of the Council. After a distinguished service as a Deputy Collector under the Bengal Government, he devoted the rest of his life to the service of his mother land. He was one of the prominent members of the Swaraj Party, held in high esteem by Hindus and Muhammadans alike. He was a sincere and unostentatious worker in the cause of Hindu-Moslem unity and in his death Bengal has lost a patriot whose services she could hardly spare

at such a critical period of her politics when so much depends upon a happy solution of the difficult problem of our communal differences.

By the death of Maharaja Jagadindra Nath Ray of Nator, another prominent figure has been removed from our midst. He was the head of one of the most ancient and renowned houses of the zamindars of Bengal. He was a man of versatile genius, and his refinement and culture endeared him to all who came in contact with him. Whether in the social life of Bengal, whether in the field of politics or of literature, he has left a lasting memory of which every Bengalee would be ever proud. I hope to be excused gentlemen, if I give expression to a personal feeling in referring to him. He twice represented the zamindars of the Rajshahi Division in this Council, the same constituency which I now represent and I shall always remember him gratefully for the kindness he showed to me by retiring in my favour in 1915, affording me an opportunity to represent his constituency in the Council.

Lastly, gentlemen, I have to refer to the death of one who was one of the best friends of our country, I mean the late Lord Carmichael. He came to Bengal at a time of great unrest and anxiety and no fitter person could have been chosen for the task of steering the ship of state into calmer waters than he. Lord Carmichael had all the qualities that go to make the great ones of this earth,—firmness of character tempered by kindness of heart, an innate faculty of whole-hearted sympathy for his fellow-men and an abundance of tact and judgment. He made here many friends in almost every walk of life, for he was not only an administrator but a scholar and a philanthrophist, mixing freely with the people, always kind and courteous to high and low alike; and when he left Bengal, there was genuine sorrow in the land.

I remember him very well as President of the Bengal Legislative Council in the days when the Governor used to preside over the deliberations of his Legislative Council. And I would never forget the courtesy that he extended to us. Even when he had any occasion to administer a rebuke it was almost an apologetic word of caution accompanied by a sweet smile and the familiar twinkle of his eyes which made the most obstinate of us give way at once. In brief, gentlemen, I may say that he was a ruler whom the people of Bengal dearly loved and in whose passing we mourn the loss of a real friend of mother Bengal.

With your permission gentlemen, the condolence of the House will be conveyed to the bereaved members of the family of the deceased persons. I would ask you now kindly to rise in your places as a mark of respect to the memory of our departed friends.

(All the members then rose in their seats.)

Mr. PRESIDENT: Thank you, gentlemen.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session, namely—

Babu JATINDRA NATH BASU,
Maulvi EKRAMUL HUQ,
Mr. G. MORGAN, and
Raja MANMATHA NATH RAY CHAUDHURI, of Santosh.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Appointment of a Vernacular Stenographer.

Mr. PRESIDENT: I have received a petition from six non-official members of this Council, asking that a Vernacular Stenographer should be appointed to report the speeches made in Bengali in this Council.

In reply to the signatories, I may say that the matter has received my careful consideration and I am in full sympathy with the request contained in the petition. But perhaps the Council is aware that a qualified Vernacular Stenographer is not readily available. He has got to be trained at Government expense and this will take some time. The life of the present Council too will be soon drawing to a close. In view of these considerations I think we should carry on as at present. I however promise to leave a note in the Legislative Department that the matter should be taken up by the time the new Council comes into office.

Starred Questions

(to which oral answers were given).

Honorary Magistrates.

*1. **Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) how many of the Honorary Magistrates have not passed the Entrance or Matriculation Examination; and

(*ii*) whether those mentioned in clause (*i*) record deposition and write judgments in English?

(*b*) Will the Hon'ble Member be pleased to state whether, before appointing an Honorary Magistrate, any attempt is made to test his fitness for the work he will have to do?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) The information is not readily available and no useful purpose will be served in collecting it.

(*ii*) The power to record evidence in the English language is conferred only on those who by their knowledge of the language are qualified to do so.

(*b*) No formal test is prescribed, but selection is made from gentlemen of education and position who are willing to devote a portion of their time to the performance of the work.

Mr. A. C. BANERJEE: I should like to ask the Hon'ble Member if the Commissioner of Police, Calcutta, and the Chief Presidency Magistrate are consulted in the matter of the appointment of Honorary Magistrates?

Mr. PRESIDENT: I do not think that arises out of this question.

Mr. A. C. BANERJEE: I think it arises with regard to the question of qualifications.

The Hon'ble Sir HUGH STEPHENSON: The appointments are made on the recommendations of the Chief Presidency Magistrate. So far as I know the Commissioner of Police is not consulted.

Mr. A. C. BANERJEE: As regard the question of qualifications, are any steps taken by the Government to inquire against corruption as far as these Magistrates are concerned?

Mr. PRESIDENT: Order, order,

Failure of crop in the subdivision of Vishnupur.

***11. Babu UMES CHANDRA CHATTERJEE:** (*a*) Is the Hon'ble Member in charge of the Department of Land Revenue aware that there has been distress as regards food, fodder and water in the subdivision of Vishnupur, in the district of Bankura, owing to failure of crops consequent upon failure of rains this year?

(*b*) If so, what steps, if any, are the Government contemplating taking in the matter?

(*c*) If the answer to (*a*) is in the negative, are the Government considering the desirability of inquiring into the matter with a view to taking steps?

MEMBER in charge of DEPARTMENT of LAND REVENUE (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) The rainfall was less than normal, and the paddy crop in many places was poor. The scarcity of water was relieved by later rains.

(*b*) and (*c*) It has been ascertained by enquiry that no special action is necessary.

Expenditure for establishment in the Civil and Criminal Courts in the Noakhali district.

*III. **Maulvi Md. NURÚL HUQ CHAUDHURY:** With reference to the reply given to starred question No. XIII put by Maulvi Sayedul Hoque on the 3rd December, 1925, will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing the accounts of expenditure under the different heads?

The Hon'ble Sir HUGH STEPHENSON: The labour involved in the preparation of the answer would be incommensurate with its utility

Death of certai at the King George's Dock Works.

*IV. **Babu BORODA PROSAD DEY:** With reference to the reply given to clause (*b*) of my starred question No. III of the 3rd December, 1925, will the Hon'ble Member in charge of the Department of Commerce be pleased to lay on the table the reports mentioned therein?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. Donald: The three reports are laid on the table.

Reports referred to in the reply to starred question No. IV.

REPORT SUBMITTED BY MR. N. C. BHATTACHARJI, A.M.I.E.E., ASSISTANT ELECTRIC INSPECTOR TO THE GOVERNMENT OF BENGAL ON THE ELECTRICAL ACCIDENT THAT TOOK PLACE ON 15TH JULY, 1925, AT KING GEORGE'S DOCK AT GARDEN REACH.

I have examined the crane and all other apparatus and matters that might lead up to the accident reported by the Deputy Chief Engineer (Construction) to the Commissioners for the Port of Calcutta in his letter No. 3146, dated 15th July, 1925, and beg to report as follows:—

2. On 15th July last it was found necessary to shift an electric crane in use on the construction of the entrances to King George's Dock

at Garden Reach, but the motor having failed to work, a number of coolies were engaged to pinch it along its track. In trying to do so, 15 coolies received electric shock, of whom seven died.

3. Three 500 volt A.C. three-phase motors supply the motive power to the crane. The supply of energy to the crane comes from transforming station No. 4 of the Port Trust, through an overhead feeder, an armoured cable laid on the top of the wells, one switch, a short length of a four-cored cabtyre sheathed cable terminating at an oilswitch, and from there through a similar cabtyre sheathed four-cored cable.

Two earth wires were connected to a bolt on the cable drum.

The neutral of the system is insulated.

4. An examination of the place of accident showed that the live parts of the trailing cable, switch, motor and the wiring on the crane were all inaccessible and could not be touched by so many men at one time under any circumstances. The accident could not therefore be the result of an accidental contact with any live wire or part of any machinery or apparatus.

It was possible, however, to get electric shock under certain conditions by touching:—

(1) the crane from the ground;

(2) the crane from the rails; or

(3) the rails from the ground.

The conditions under which a severe shock could be received in the above three cases were:—

(*i*) The existence of sufficiently large leakage from one of the phases

(*ii*) The existence of a sufficiently large resistance between—

(*a*) the crane and the earth; or

(*b*) the crane and the rails; and

(*c*) the rails and the earth.

(*iii*) Direct or indirect (through some substance of fairly high conductivity) contact of either the crane or at least one of the rails with one of the other live phases.

In the absence of a sufficiently large leakage from one phase, a high resistance between the rails and the crane and between the rails and the earth or between the crane and the earth and at least a partial contact of the crane or rails with one of the live phases the accident could not possibly take place.

5. On actual test and examination of the log sheets at the transforming station, the insulation of the feeder was found to be defective. Leakage current, of course, was not constant but within a short space

of time, during my test the insulation resistance of one of the phases was noticed to come down twice to zero. The log sheet of the day of the accident showed that the insulation of one of the phases was very low a few minutes before the accident. The first condition was therefore favourable for the accident.

6. The resistance between the crane and the earth was found to be about 4 ohms only and the resistance between the crane and one of the rails was practically nil.

But the resistance between the other rail and the earth was over 500 ohms. The resistance between the rail and the crane also was over 500 ohms. One of the rails could therefore be charged and the second condition was also favourable.

7. The body of the crane could be alive either by leakage or through accidental contact with a conductor of the supply circuit or the rotor circuit of the motor which would act as a transformer when it had a supply to its terminals, but the rotor did not move.

No evidence of accidental contact of any live conductor with the crane body could be found. The insulation resistance of the whole of the crane installation was found to be 10,000 ohms. A leakage current through this resistance could not kill so many men, and moreover the low resistance of the crane body to earth would have offered complete protection to any one even if the earth wires were not connected to the crane. On connecting one of the live wires to the body of the crane as well as to the wiring of the crane after disconnecting the earth wires, the potential difference between the earth and the crane body was found to be too small to be measured with an ordinary Weston voltmeter. No shock could also be felt by touching the crane body. Mr. Burkinshaw, Consulting Engineer to the Port Trust, Mr. White, the Electrical Foreman, and the mistries of the Trust told me that they all examined and found the earth wires connected to the crane body after the accident. I found no reason to disbelieve their statements. It would therefore be seen that the body of the crane could not possibly be charged to any higher potential than that of the earth.

I could not discover any definite evidence of the electrification of the rails, but the fact remains that the men received shock and seven men were killed. The natural inference, therefore, is that one of the rails became charged. How that came about it is not possible to say, for the cause of the electrification of the rail is not there now. It must either have been removed intentionally or unintentionally, or it has removed itself. Since the body of the crane and one of the phases were earthed, any one of the coolies who were working in rains on ground soaked with water would have every chance of getting a fatal shock by touching the crane from the electrified rail. Those who would touch the crane from the ground at some distance from the particular

rail would get less severe shock. Severe shock would also be received by touching the rail from the ground.

8. It would be clear from the above that had the rails been properly earthed the accident could not have taken place. The Port Commissioners are therefore guilty of not having complied with rule 43 of the Indian Electricity Rules, 1922. I may also point out that the use of cabtyre sheathed cable on a medium pressure circuit is a breach of rule 51 (*c*).

9. Although owing to the absence of any definite proof as to how the rail became alive, it is not possible to make any one directly responsible for the accident. I must point out that the Commissioners for the Port of Calcutta, Mr. Burkinshaw, their Consulting Engineer, and Mr. White, the Electrical Foreman in charge of the crane, are all jointly responsible for it.

The accident was avoidable, and had the Electricity Rules been fully complied with, it would not have taken place.

10. The ground of the place, as I have said before, is soaked with water, and a large number of men working there are barefooted. The place, therefore, is an ideal one for electrocution. In order to prevent any such accident in future, the following precautions should be taken :—

(*i*) The Electricity Rules should be strictly complied with.

(*ii*) The earth connections of the rails and the bodies of the cranes, pumps, motors and other apparatus working there should be periodically inspected and tested and the results of such tests should be sent to this office.

(*iii*) This office should inspect the installations and check such tests at least once a year.

(*iv*) In order to ensure electrical continuity between different members of the crane body a copper conductor should be run over all the parts and be connected to them.

(*v*) The two earth wires should be connected to separate and distinct parts of the crane body furthest from each other.

(*vi*) The use of insulated neutral in the distributing system should not be permitted in this case. In such a system the potential difference between the earth and one phase becomes the maximum if a fault develops on any other phase, whereas if the neutral is earthed, the potential difference between a phase and the earth cannot exceed one-third times the phase voltage, and any great fault on any phase automatically disconnects the faulty phase. The risk of accidents would, therefore, be considerably minimised if the neutral be earthed. The Port Commissioners cannot, of course, be

compelled under the Act to earth their neutral, but since in a place like this the consideration of safety should outweigh the advantages of using insulated neutral, the Port Commissioners may perhaps be prevailed upon to do this.

N. C. BHATTACHARJI,
Assistant Electric Inspector,
Government of Bengal.

The 25th July, 1925.

COPY OF REPORT OF THE ENQUIRY HELD BY THE ADDITIONAL DISTRICT MAGISTRATE, 24-PARGANAS, REGARDING ACCIDENT ON AN ELECTRIC CRANE WHICH TOOK PLACE AT KING GEORGE'S DOCK ON THE 15TH JULY, 1925.

On the 15th July last a fatal electrical accident took place at about 8-50 A.M. at King George's Dock at Garden Reach. The motor of an electrical crane failed to work and a number of coolies was engaged to pinch it along its tract. The crane suddenly became electrified and 15 of the coolies engaged in moving it with crowbars received shocks. Of these, seven died on the spot and of the other eight, all have completely recovered, save one, who had a burn on the sole of his foot and is still lying in hospital.

The accident took place outside the Presidency town of Calcutta. The matter should, therefore, have been, according to section 33 (1), Indian Electricity Act, IX of 1910, reported to the District Magistrate. The Assistant Engineer of the Dock, instead of reporting the matter to the Magistrate, as he was required to do under section 174 (1), Cr. P. C., sent a telephonic message to the Garden Reach police-station. The Inspector in charge held an inquest on the afternoon of the same day and concurred with the jurors' verdict that the deaths were due to electric shocks accidentally received.

An official Committee of the Calcutta Port Trust held an enquiry on the 16th July into the particulars of the accident and found "that the coolies were electrocuted because the body of the crane which they were pushing along its tract became charged with electricity". The Committee recorded the statement of several witnesses, but failed to assign any definite cause for the certification of the crane body.

The matter was next investigated by Mr. N. C. Bhattacharji, Assistant Electric Inspector to the Government of Bengal. According to him the accident was the result not of an accidental contact with any live wire or part of any machinery or apparatus, but of electrification of one of the rails which had not been properly earthed. The judicial enquiry held on the 17th August, 1925, and in which

Mr. Bhattacharji attended, indicated the same conclusion. The clerk of works, Babu S. K. Sen, found that the crane was too far eastward and could only reach one skip over one of two sidings. He asked the driver to move the crane westward, with a view to make it take up the skip from the other siding. The driver told him, as he had previously told the head mistry, that the crane would not move forward. The head mistry had asked him to stop the crane to see what was wrong with it, but this could not be done, as in that case the entire work would have to be stopped. Babu S. K. Sen, instead of enquiring why the crane would not move, asked the driver to stop its motor and got two coolies to move it ahead with crow-bars. The crane could not be moved. Then the witness got hold of some more coolies, asked the driver to work the machine and told all the coolies to move the crane westward with crow-bars. The head mistry noticed smoke beneath the crane and asked the driver to stop the motor of the crane. The men were then engaged in moving the crane ahead. There was a flash of light from underneath the crane after it had been moved some 3 or 4 feet. Immediately the men on the rails received shocks and all fell down. The Doctor was at once sent for and he found the six men at the place, all dead. Another man was brought out of a wall and he too was found dead. He also examined eight men who had received shocks, and found that of these, three had got electric burns. The men all received the shocks while their legs were on the rails. There can, therefore, be no doubt that the accident, as held by the Government Assistant Electric Inspector, was due to the sudden electrification of the rails. The Electrical Foreman, Mr. White, of whom Mr. Ash, the Deputy Chief Engineer, has got a very poor opinion, says that he had earthed the crane, but not the rails. The earthing of the rails is said to have been left out, because Mr. Bennet, the officiating Deputy Engineer, had not given him any instruction on the point, though according to the Consulting Engineer, Mr. Burkinshaw, repeated instructions had been given that there should be two distinct and separate earth connections to every piece of machinery with electric equipments. The non-earthing of all rails is therefore a breach of rule 43 of the Indian Electricity Rules, 1922. The omission, according to the letter of the Electric Inspector to Government, was never brought to the notice of the Port Commissioners, and so the breach cannot come in within the penal provisions of Chapter VI of the Rules.

The enquiry, however, disclosed no definite negligence on the part of any one that would justify a prosecution. The deaths were all accidental and due to shocks received by sudden electrification of the rails.

H. C. CHATTERJI,

Additional District Magistrate.

The 24th August 1925.

THE COMMISSIONERS FOR THE PORT OF CALCUTTA.

Finding.

We, the undersigned, having carefully considered all the evidence, do find as follows:—

From the information before us it must be concluded that the coolies were electrocuted because the body of the crane which they were pushing along its track became charged with electricity.

Questions to which answers are required are:—

(1) What was the direct cause of the electrification of the crane body?

(2) What precautions had been taken against such a contingency?

(3) Why did these precautions fail?

(4) Is any one culpable?

(5) Are further precautions necessary?

With regard to (1). The crane has been subject to three examinations. The first by Mr. White, Electrical Foreman, soon after the accident. The second by Mr. White in the presence of Mr. Burkinshaw, Electrical Consultant, and of Mr. Ash, Deputy Chief Engineer (Construction), one hour or more after the accident. The third by Mr. Thomasson, Erection Engineer to Messrs. Metropolitan Vickers Electrical Company.

The results of these are recorded in the evidence given by Mr. White and Mr. Thomasson.

It is not possible from these investigations to assign any definite cause to the electrification of the crane body.

In certain respects the junction of the crane wiring system and the cabtyre feeder cable left something to be desired, and the insulation resistance of the complete installation was low, but none of these conditions can be said to account for what took place.

With regard to No. (2). A "double earth" was provided. This consisted of a galvanised steel wire leading from the body of the crane to a steel rod buried in the wet earth, together with a separate connection through the fourth core of the cabtyre cable to a separate "earth". With regard to the first of these connections it has originally been the practice to provide copper earthing wires, but it has been necessary to substitute galvanised steel wires, because the copper was invariably stolen.

With regard to No. (3). It may be said that the failure of the earth comunication rather than the leakage of electricity to the body

of the crane, was the real cause of the accident. Had the earth communication been in perfect order, it is inconceivable that these deaths could have been caused.

With regard to No. (4). When the crane was examined by Mr. White, in the presence of Mr. Ash and of Mr. Burkinshaw, an hour or more after the accident, the galvanised steel earth wire was firmly bolted in position and the fourth or earthing core of the cab-tyre cable was twisted round the galvanised steel earth wire.

Orders had been issued to the effect that each piece of electrical machinery should be provided with two separate and distinct earth wires and though it might be argued that the orders had been complied with in this case, yet it is improper for both earth wires to have a common connection to the apparatus which has to be earthed and it is bad workmanship to make an electrical connection by twisting one wire round another without other means of securing a good contact. Both earths were dependent upon a single connection to the crane body, and in this respect we consider Mr. White was negligent. Had two separate and distinct connections to the crane body been provided, it would have been necessary for both to have been detached before the accident could have happened.

In his evidence Mr. White admitted that he had been under the crane to examine the travelling motor, and at that time he had pulled the earth wire to make sure that it was firmly connected, but had not otherwise interfered with it.

If, at the time of the accident, the earth connection had been in the condition in which it was when examined by Mr. White in the presence of Mr. Ash and Mr. Burkinshaw, it is certain that the accident could not have happened and the occurrence would have been inexplicable. Because we have found some of Mr. White's evidence to be contradictory and false, we are of the opinion that the earth wire was either detached or loose and that he made the connection good during his preliminary examination.

With regard to No. (5). We consider that if the orders are carried out both in the spirit and in the letter, effective means are provided for ensuring the safety of the staff.

Steps had already been taken, before this accident, to augment the electrical supervision on the job by the appointment of an experienced Electrical Engineer. We do not consider that any further precautions can be taken.

W. C. ASH.
H. BURKINSHAW.
J. D. PEARSON.
W. FITZ HENRY.

Medical practitioner available for détenus at Kulpi.

***V. Mr. S. N. HALDAR:** With reference to the reply given to clause (*d*) of my starred question No. IX of the 3rd December, 1925, will the Hon'ble Member in charge of the Political Department be pleased to state how far the medical practitioner referred to therein lives from Kulpi?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): Six miles.

Mr. S. N. HALDAR: Are these detenus expected to walk six miles from the place of detention even when they are ill?

The Hon'ble Sir HUGH STEPHENSON: If they are not too ill.

Mr. S. N. HALDAR: Is the medical practitioner properly qualified?

The Hon'ble Sir HUGH STEPHENSON: I understand he is properly qualified.

Mr. KIRAN SANKAR RAY: Is the detenue allowed to travel second class?

Mr. PRESIDENT: This does not arise out of this question.

Mr. KIRAN SANKAR RAY: I want to know whether he is allowed to travel six miles.

The Hon'ble Sir HUGH STEPHENSON: He is not allowed to travel six miles without permission.

Détenu Paramananda De.

***VI. Mr. S. N. HALDAR:** (*a*) With reference to the reply given to clause (*f*) of starred question No. XXXVIII of the 3rd December, 1925, and questions supplementary thereto, will the Hon'ble Member in charge of the Political Department be pleased to state when the Jail authorities consulted the Specialists, Colonel Connor and Colonel Denham White in the matter of petitions submitted by détenu Paramananda De?

(*b*) Are the Government considering the desirability of publishing the report by these two medical officers?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Specialists were not consulted in his case.

(*b*) Does not arise.

Increased allowance to internee Jatindra Nath Bhattacharji.

***VII. Mr. S. N. HALDAR:** With reference to the reply given to clause (*j*) of starred question No. LX of the 8th December, 1925, will the Hon'ble Member in charge of the Political Department be pleased to state by how much the amount has been increased?

The Hon'ble Sir HUGH STEPHENSON: By Rs. 8 a month.

Calculation of passenger fares on steamers.

***VIII. Maulvi A. K. FAZL-UL HUQ** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether there is any basis for the calculation of passenger fares and freights on luggage and goods on board steamers just as there is on railways?

(*b*) If so, what is the basis?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) and (*b*) Government have no information on the subject.

Revenue paid by Steamship Companies.

***IX. Maulvi A. K. FAZL-UL HUQ:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether any revenue or any other cess is paid by the various Steamship Companies for plying steamers on the waterways in Bengal?

(*b*) If so, what are the amounts?

The Hon'ble Mr. J. DONALD: (*a*) The companies in question pay no land revenue or ordinary cess for their use of the waterways in Bengal, but they pay tolls to Government for their use of channels maintained by the Irrigation Department.

(*b*) The tolls paid by the Companies in 1924-25 amounted to Rs. 3,47,188.

Gabkhan Bharani khal steamer route.

***X. Maulvi A. K. FAZL-UL HUQ:** Will the Hon'ble Member in charge of the Marine Department be pleased to state what are the actual distances in miles between Jhalakati and Kaukhali by river—

(*a*) *via* Rajapur, *i.e.*, along the old steamer route;

(*b*) *via* Gabkhan Bharani khal, *i.e.*, the present route?

The Hon'ble Mr. J. DONALD: The distances according to Government's latest information are—

(*a*) about 18 miles;

(*b*) about 11 miles.

Railway connection to Barisal.

***XI. Maulvi A. K. FAZL-UL HUQ:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether there was any proposal to connect Barisal by rail with Calcutta?

(*b*) If so, what was the route of the last of the approved projects?

(*c*) Was any actual survey made of any route?

(*d*) If so,—

(*i*) when and at what cost was the survey made; and

(*ii*) why were no steps taken after the survey?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [Railways] (the Hon'ble Mr. J. Donald): (*a*) Yes.

(*b*) Faridpur-Bhanga-Barisal was the last route surveyed.

(*c*) Yes.

(*d*) (*i*) The Khulna-Madaripur-Barisal route was surveyed in 1914. The Faridpur-Bhanga-Barisal route was surveyed in 1922-23. The cost of the surveys is not known to the local Government.

(*ii*) For the Khulna-Madaripur route the proposal was dropped as the construction of this line would have resulted in a constant menace to the general health of the populace in its neighbourhood. For the Faridpur-Bhanga extension the traffic survey showed that the line was unlikely to be remunerative and neither the local Government nor the District Board were in a position to guarantee the Railway Board against loss.

Introduction of a Bill for the spread of primary education.

***XII. Dr. H. W. B. MORENO:** (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is the intention of Government to introduce a Bill in the Council for the spread of primary education in Bengal?

(*b*) If so, when is the Bill likely to be introduced?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. J. Donald): The Education Department have under consideration certain proposals dealing with primary education. It is not yet possible to state definitely Government's intentions in the matter.

Dr. H. W. B. MORENO: Is it not a fact that the Secretary of the Education Department circulated to certain public bodies the principles of the Government Primary Education Bill recently?

The Hon'ble Mr. J. DONALD: The Education Department have certain proposals under consideration.

Dr. PRAMATHANATH BANERJEA: Is this Bill likely to be introduced in the life of this Council?

The Hon'ble Mr. J. DONALD: As stated, it is not possible to state Government's intentions in the matter definitely.

Platforms at several stations of the East Indian Railway.

***XIII. Babu TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether he is aware of the inconvenience which is being felt by the passengers in the important stations like Kamarkundu, Begumpur, Belmuri, etc., of the Howrah-Burdwan New Chord section and also at the stations like Guptipara, Balagarh, Navadwip, etc., of the Bandel-Katwa line of the East Indian Railway owing to the absence of platforms at those stations?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of drawing the attention of the Railway authorities to this matter?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) These are matters for the Railway Board and Railway Advisory Committees to whom the member is referred.

District and Local Boards of Burdwan.

***XIV. Babu MANMOHON NEOGI:** With reference to the reply given to starred question No. LXXXVIII on the 11th December, 1925, will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state what the irregularity in the election of November, 1924, was due to?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshounish Chandra Ray Bahadur, of Nadia): Government have nothing to add to the reply given to the question referred to on the 11th December last, in which the irregularity was attributed to an oversight.

Proscription of certain books.

***XV. Mr. KIRAN SANKAR ROY:** With reference to the answer to starred question No. V put by Babu Hemanta Kumar Sarkar on the 3rd December, 1925, will the Hon'ble Member in charge of the Political Department be pleased to state which poem or poems of the three books mentioned therein are seditious?

The Hon'ble Sir HUGH STEPHENSON: Government do not propose to give to these publications the advertisement which an answer to this question would afford.

Mr. S. N. HALDAR: Is that the only reason why they could not publish these poems?

Mr. PRESIDENT: That is apparent from the reply.

Mr. S. N. HALDAR: I want to know whether that is the only reason.

Mr. PRESIDENT: You must take it as the only reason.

Allegation of ill-treatment in the petitions of détenus.

***XVI. Mr. KIRAN SANKAR ROY:** With reference to the reply given to my starred question No. LXXII of the 9th December, 1925, will the Hon'ble Member in charge of the Political Department be pleased to state whether there was any allegation of ill-treatment in those petitions?

The Hon'ble Sir HUGH STEPHENSON: No such allegation was made in any petition.

Railway connection to Nawabganj (Malda).

***XVII. Babu ROMES CHANDRA BACCHI:** (*a*) Will the Hon'be Member in charge of the Department of Public Works (Railways) be pleased to state whether some merchants and residents of

Nawabganj, in the district of Malda, have presented a memorial to the Government for recommending to the Railway Board a railway connection to Nawabganj with Katihar-Godagari Railway line and have also prayed for a diversion of the part of the newly-sanctioned Nachoul-Rampur Boalia-Natore line between Mundvomala and Nachoul, to Mundvomala viâ Amnura to Nawabganj?

(*b*) Is it a fact that the said gentlemen are ready to guarantee interest on capital outlay as required by the Government in answer to clauses (*e*) and (*f*) to starred question No. XXXII asked by me at a meeting of this Council held on the 14th August, 1925, as a condition precedent to such recommendation?

(*c*) Are the Government now considering the desirability of recommending the railway connection to the Railway Board?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) It is stated so in the representation.

(*c*) The Agent, Eastern Bengal Railway, has been consulted and on receipt of his views Government will take the matter into consideration.

Grand Trunk Road over Chandmari Bridge.

***XVIII. Babu KHAGENDRA NATH GANGULY:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works be pleased to refer to my starred question No. XLIV, which was answered on the 8th December, 1925, and state whether it is a fact that the portion of the Grand Trunk Road over the Chandmari Bridge and its approaches had to be again repaired in December, 1925, and January, 1926?

(*b*) Will the Hon'ble Member be pleased to state the reason for undertaking repairs so frequently as February, 1925, July, 1925, and December 1925?

(*c*) Has the attention of the Hon'ble Member been drawn to the fact that although the last repairs were completed less than a month back, some of the road metals have already become loose?

(*d*) If so, will the Hon'ble Member be pleased to state to what this is due?

(*e*) Is the Hon'ble Member aware that during these repairs all sorts of vehicular traffic are stopped over Chandmari Bridge and diverted over Buckland Bridge for several days at a time?

(*f*) Is it not a fact that on account of the congestion of the loaded cart traffic over the Buckland Bridge, due to such frequent stoppages, the roadway on the Buckland Bridge got badly damaged?

(*g*) Will the Hon'ble Member be pleased to mention the name of the officer who was in direct and immediate supervision of these repairs?

(*h*) Did the same officer supervise the repairs on all the three occasions during the course of last year?

(*i*) Do the Government intend to take any disciplinary action against the officer concerned?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. J. Donald): (*a*) Yes. The repairs were taken up in December, 1925, and completed in January, 1926.

(*b*) The steep grade of the approaches, the frequent opening up of the road surface for plumbing works and for repairs or the laying of gas and electric mains and very heavy cart traffic to and from Shalimar, contribute to the rapid deterioration of the road surface, which is water-bound macadam.

(*c*) No. It has been reported that the road is in good order.

(*d*) The question does not arise.

(*e*) It is only where the width of the road does not permit safely of two lines of traffic that the bridge is closed entirely during repairs.

(*f*) Government have no information of the extent of the damage to the roadway on the Buckland Bridge, but they have been informed that the roadway is mostly paved with stone setts, which can carry very heavy traffic.

(*g*) The P.W.D. Subdivisional Officer.

(*h*) Yes.

(*i*) No.

Babu KHAGENDRA NATH GANGULY: Would the Hon'ble Member be pleased to state whether, regard being had to the heavy traffic, Government contemplate taking up the repairs in such a way that they would be more lasting than at present?

Mr. PRESIDENT: That is an argumentative way of putting the question.

Babu KHAGENDRA NATH GANGULY: It is not argumentative but asking the Hon'ble Member for information.

The Hon'ble Mr. J. DONALD: I must have notice of this question.

Babu KHAGENDRA NATH GANGULY: Will the Hon'ble Member be pleased to state, in regard to clause (*c*), whether he has got any written report, who reported that the road was in good order and when was the report received?

The Hon'ble Mr. J. DONALD: I should like to have notice of this question. I have no information handy.

Judicial and Executive functions.

***XIX. Mr. TARIT BHUSAN ROY:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state when it is expected that a final decision will be reached in regard to the recommendations of the Committee appointed to advise on the question of the separation of the judicial and executive functions in Bengal?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): A scheme to give effect to the recommendations of the Committee has been submitted to and is under the consideration of the Government of India and I cannot say when their reply may be expected.

Mr. TARIT BHUSAN ROY: Will the Hon'ble Member state when the scheme was submitted to the Government of India?

The Hon'ble Sir HUGH STEPHENSON: I think about 18 months or 2 years ago.

Mr. S. N. Haidar: May I know, Sir, how long this matter has been before the Government of India?

The Hon'ble Sir HUGH STEPHENSON: I think my last answer is an answer to that.

Police-station Companyganj in Noakhali.

***XX. Maulvi SAYEDUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) whether any application made by the inhabitants of police-station Companyganj, in the district of Noakhali, has reached the Government praying that the said thana be not amalgamated with thana Sonagazi and other alternative proposals; and

(*ii*) whether any application by the Noakhali Bar Association praying similarly regarding police-station Companyganj has reached the Government?

(*b*) If so, what steps have been taken or are in the contemplation of the Government on the question of amalgamating thana Companyganj?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) and (*ii*) Yes.

(*b*) The member is referred to the answer given to his question on the same subject in the last session of the Council.

Détenu Paramananda Dey.

***XXI. Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether Srijut Paramananda Dey was convicted by the Subdivisional Officer, Khulna, under the Bengal Criminal Law (Amendment) Act?

(*b*) Is it a fact that he has been served by a fresh internment order after he was sent to the Rajshahi Jail?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) No; he was informed of the result of the review of his case under section 11 of the Act.

Mr. S. N. HALDAR: May I know what is the result of that review?

The Hon'ble Sir HUGH STEPHENSON: The order was maintained.

Lakkhya River near Chorasal.

***XXII. Khan Bahadur KAZI ZAHIRUL HAQ:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the river Lakkhya near Ghorasal is being gradually silted up and that the channel is getting narrower and less deep here?

(*b*) Is it a fact that large quantities of stones are piled up and scattered near and about the bridge in the neighbourhood by the railway authorities every year?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, do the Government consider the advisability of holding an early inquiry into the matter and taking necessary steps to prevent any further encroachment upon the free passage of the current of the river?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) Government have no information to this effect, but the waterway at the bridge is now somewhat greater than at the time of its construction owing to scour having taken place.

(*b*) A certain amount of stone pitching has been done by the railway authorities as a protection against scour at the bridge site.

(*c*) In view of the answer given to question (*a*), Government do not propose to take any action.

Trains from Noakhali to Chandpur.

***XXIII. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Public Works Department be pleased to state—

(*i*) whether the Assam-Bengal Railway authorities are ready to supply trains from the Noakhali railway station to the Chandpur railway station;

(*ii*) whether the Assam-Bengal and the Eastern Bengal Railway and Steamer authorities are ready to regulate the accommodation of third-class passengers up to the prescribed number of accommodation by supplying additional trains or steamers for surplus third-class passengers;

(*iii*) whether the above authorities are willing or ready to provide more reasonable comforts than at present to the third-class passengers by making facilities for ventilation, water-supply, etc.; and

(*iv*) what steps, if any, the Assam-Bengal Railway authorities have taken on their attention being drawn to a similar question put by me in the Bengal Legislative Council on the 12th March, 1924?

The Hon'ble Mr. J. DONALD: (*i*) It is understood that the railway administration consider it impracticable to run through-trains between Noakhali and Chandpur on account of the shunting to be carried out at Laksham and on grounds of economy in working coaching stock.

(*ii*) and (*iii*) The local Government have no information.

(*iv*) The reply of the Agent was communicated to the member on the 16th April, 1924. It was as stated in the reply to (*i*) above as regards through-trains.

Additional judicial assistance to the Noakhali district.

***XXIV. Maulvi SAYEDUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government have received a petition from the Bar

Association of Noakhali praying for an additional District Judge for a year specially selected from the members of the Provincial Service and also for making the Court of the Additional Sub-Judge permanent?

(*b*) If so, what steps have the Government taken to deal with the matter?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) The question of granting additional assistance will be considered when supported by the District Judge and recommended by the High Court.

District Judge, Noakhali.

***XXV. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state how long and in what manner did the present District Judge of Noakhali receive training in civil works?

The Hon'ble Sir HUGH STEPHENSON: He has previously officiated as an Additional District and Sessions Judge, but has not had other training in civil judicial work.

Gabkhan Bahrani Khal.

***XXVI. Maulvi A. K. FAZL-UL HUQ:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state when the Gabkhan Bahrani Khal was excavated and widened for the improvement of the steamer route between Jhalakati and Kaukhali?

(*b*) What was the total cost of the excavation and acquisition of lands, respectively?

(*c*) What amount was contributed by—

(*i*) the Steamship Companies;

(*ii*) Government; and

(*iii*) other public bodies?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) 1916—1919.

(*b*) Cost of excavation was Rs. 6,11,139 and of land acquisition Rs. 1,26,536.

(*c*) The work was entirely paid for by Government.

River Bhairab at her junction with Afra Khal.

***XXVII. Babu JOGENDRA NATH MITRA:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether in connection with the Bhairab scheme, which is now before the Director of Public Health, the removal of the silt bar which has been formed in the bed of the river Bhairab opposite village Afra where the Afra Khal joins the Bhairab has been or will be taken into consideration?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The removal of the silt bar in the river near Afra has not been taken into consideration because when the Bhairab scheme is brought into operation it is probable that the bar will be washed away and it is considered that it would be a waste of money to dredge at this stage.

Santipur Railway Station.

***XXVIII. Dr. H. W. B. MORENO:** (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that the railway authorities are contemplating—

(*i*) the shifting of the Santipur Railway Station within the town more than a mile off from the present station; and

(*ii*) retaining the present station as the terminus for the Light Railway?

(*b*) If so, are the Government considering the desirability of holding an enquiry by the railway authorities as to the inconvenience of the public, specially that of the passengers of the aforesaid Light Railway?

The Hon'ble Mr. J. DONALD: (*a*) (*i*) The matter is under the consideration of the railway administration.

(*ii*) It has been ascertained that if the broad-gauge station is moved, probably the narrow-gauge station will be moved also.

(*b*) In view of the reply given to (*a*) (*ii*) above, the question does not arise.

Mosquito-nets to prisoners in Jails of Hooghly district.

***XXIX. Babu TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) how many prisoners are there at present in the Hooghly District Jail and the Serampore and Arambagh Sub-Jails;

(*ii*) how many of them are now suffering from malaria in each of these three jails;

(*iii*) how many of them have got enlarged spleen; and

(*iv*) how many of them in each of the said three jails have been supplied with mosquito-curtains?

(*b*) Is the question of supplying mosquito-curtains to the prisoners in the jails of very malarious districts under the consideration of the Government?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state what other steps are proposed to be taken to save the prisoners from being bitten by infected mosquitoes?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Hugh Stephenson): (*a*) The numbers according to a report received on the 2nd February were—

(*i*) Hooghly 218, Serampore 51, Arambagh 8.

(*ii*) Hooghly 1, Serampore nil, Arambagh nil.

(*iii*) Hooghly 19, Serampore 2, Arambagh nil.

(*iv*) The prisoner suffering from malaria in Hooghly Jail has been provided with a net.

(*b*) The question of supplying mosquito-nets to all prisoners in malarious districts has not so far been considered. The practice has been to provide mosquito-nets to jail hospitals; all patients suffering from malaria are sent to hospital where they sleep under mosquito-nets.

(*c*) In all malarious districts the medical officer takes measures to keep down mosquitoes; all likely breeding places are inspected and treated with kerosine or other anti-mosquito substance during the malarial season. Prophylactic doses of quinine are issued to all prisoners if the medical officer considers it necessary.

Typists and Copyists of courts.

***XXX. Maulvi ABDUL QUADER:** (*a*) With reference to the answer given to clause (*e*) of starred question No. LX on the 21st August, 1925, will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the case of better emoluments of court typists and copyists has been finally decided upon by the Government?

(*b*) If not, what is the reason for delay in the matter?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The answer is in the negative.

(*b*) The delay is mainly due to the fact that an enquiry is being made from all courts (civil and criminal) regarding recent recruitments and their effect on the average earnings of typists and copyists.

Maulvi ABDUL QUADER: Will the Hon'ble Member be pleased to state the time within which the case of better emoluments will be decided by Government?

The Hon'ble Sir HUGH STEPHENSON: I am afraid I cannot possibly say.

Fishery rights in navigable rivers.

***XXXI. Babu HEMANTA KUMAR SARKAR:** (*a*) Will the Hon'ble Member in charge of the Department of Land Revenue be pleased to state whether there was any order passed by the Board of Revenue declaring all navigable rivers to be free fisheries in 1868?

(*b*) If so, has there been any change since then?

(*c*) If there has been any change, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) Yes, but with regard to such navigable rivers as were also tidal.

(*b*) and (*c*) Yes, the rule was modified in 1886 in consequence of the Full Bench decision in the case of Hari Das Mal *vs.* Mohamed Jaki reported at page 435, I.L.R., 11 Calcutta, which was to the effect that in this country Government had a right to grant leases of fishery even in tidal navigable rivers. The rule, as modified, is contained in paragraph 532 of the Survey and Settlement Manual, 1917.

Unstarred Questions

(answers to which were laid on the table.)

Grand Trunk Canal Project.

1. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state the total estimate for the excavation of the Grand Trunk Canal and execution of necessary works in connection with the said scheme?

(*b*) What amount of expenditure has already been incurred in connection with the said project?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) Rs. 2,79,23,122.

(*b*) Rs. 69,34,979 up to the 31st March, 1925, including the cost of the *Ronaldshay* dredger.

Babu AMULYA DHONE ADDY: May I ask whether the estimate of Rs. 2,79,00,000 has been sanctioned by the Secretary of State, and if so, when?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Yes, in 1921.

Babu AMULYA DHONE ADDY: May I further ask whether the expenditure of Rs. 69,00,000 on account of the said project has been sanctioned by this Council? If not, when is it likely to be placed before us for our consideration?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: When the Council votes the grant.

Dr. PRAMATHANATH BANERJEA: Does Government contemplate to take in hand the construction of the project at an early date?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I think this matter will come up before the Council later on.

Détenu Atindra Mohon Roy.

2. **Maulvi ASIMUDDIN AHAMAD:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Babu Atindra Mohon Roy has been arrested for starting "House of Labours" at Comilla?

(*b*) Is it a fact that Babu Atindra Mohon Roy has been suffering from appendicitis?

(*c*) If so, what arrangement have the Government made for his treatment?

(*d*) Are the Government prepared to arrange for his treatment at a town?

The Hon'ble Sir HUGH STEPHENSON: (*a*) No, this was not the reason for his arrest, which took place in October, 1923.

(*b*) No.

(*c*) Does not arise.

(*d*) Yes, when it is necessary.

Passenger shade at Bagerhat Steamer Station.

3. Maulvi SAYYED SULTAN ALI: (*a*) Has the attention of the Hon'ble Member in charge of the Marine Department been drawn to the sufferings of passengers for want of a passenger shade at the Bagerhat Steamer Station?

(*b*) If so, will the Hon'ble Member be pleased to state what steps, if any, have been or are being taken in the matter?

The Hon'ble Mr. J. DONALD: (*a*) No.

(*b*) Does not arise.

Process fees of civil suits.

4. Maulvi SAYYED SULTAN ALI: Will the Hon'ble Member in charge of the Judicial Department be pleased to state what was the total income from the process fees of civil suits in Bengal in 1924-25?

The Hon'ble Sir HUGH STEPHENSON: The total receipts from process fees in civil suits during the calendar year 1924 were Rs. 27,30,156.

Legal practitioners engaged in Government cases in Howrah.

5. Maulvi KADER BAKSH: With reference to the reply to clause (*a*) of unstarred question No. 70 put by Maulvi Zannoor Ahmed on the 9th December, 1925, will the Hon'ble Member in charge of the Judicial Department be pleased to state why no Muhammadan pleader was given any brief at the Howrah Bar?

The Hon'ble Sir HUGH STEPHENSON: Briefs are given by or on the recommendation of the District Magistrate to such pleaders as seem to him, judging from their experience or practice, most likely to do justice to the case. There is no reason to suspect that other considerations affect the distribution.

Separation of Judicial and Executive functions.

6. Babu JATINDRA NATH BASU: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether any steps have been taken and any scheme has been framed to give effect to the recommendations of the Greaves Committee regarding the separation of Judicial and Executive functions?

(*b*) If so, what is the scheme?

(*c*) When will the scheme be carried out?

The Hon'ble Sir HUGH STEPHENSON: (*a*) A scheme has been framed and submitted, together with an estimate of the cost, to the Government of India.

(*b*) and (*c*) The scheme is under the consideration of the Government of India and Government are not prepared at this stage to publish it.

Dr. PRAMATHANATH BANERJEA: Will the Hon'ble Member be pleased to state whether this is a matter for the Government of India to decide?

The Hon'ble Sir HUGH STEPHENSON: Yes, it is mainly a matter for the Government of India to decide. Any proposals that we may make will be so far-reaching that they must require the sanction of the Government of India.

Free and compulsory primary education.

7. Babu JATINDRA NATH BASU: (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether any steps are going to be taken by Government for the introduction of free and compulsory primary education in urban and rural areas in Bengal?

(*b*) If so, what is the scheme?

(*c*) When is the same intended to be carried out?

The Hon'ble Mr. J. DONALD: The member is referred to the answer given to a starred question on the subject put by Dr. H. W. B. Moreno at this meeting.

Political convict Mohendra Nath Das.

8. Mr. S. N. HALDAR: With reference to the reply given to unstarred question No. 83 of the 10th December, 1925, will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether the Government are prepared to lay the report of the Medical Board on the table?

The Hon'ble Sir HUGH STEPHENSON: A copy of the report has been given to the prisoner's father. Government do not think it desirable to lay a copy on the table.

Mr. S. N. HALDAR: May I know when the copy of the report was given to the prisoner's father?

The Hon'ble Sir HUGH STEPHENSON: I cannot say when. It was probably given to his father soon after we received it.

Piece-rate system in the Bengal Government Press.

9. Mr. MAHBUBUL HUQ: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state what, and how many, departments are at present working on the piece-rate system in the Bengal Government Press?

(*b*) Are these departments conducted on uniform rules of piece-rate system?

(*c*) If the answer to (*b*) is in the negative, how is the work equitably distributed amongst the piece-workers?

(*d*) What are the working hours in the Bengal Government Press?

(*e*) Are emoluments paid for holidays under the Negotiable Instruments Act and for days for which leave is granted to the workers?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. DONALD): (*a*) In the following departments of the Bengal Government Press work is paid for under the piece-rate system: Composing (Hand and Machine), Distributing, Binding, and Printing (Hand and Machine).

(*b*) The same rules apply to the piece work of each department.

(*c*) Does not arise.

(*d*) On Mondays to Fridays—9 A.M. to 6 P.M., with an interval of one hour (1 P.M. to 2 P.M.). On Saturdays—9 A.M. to 2 P.M.

(*e*) With the exception of the sixteen days per annum allowed to all piece-workers, no payment is made to a piece-worker in respect of any day upon which he has not worked.

Purchase of publications in the United Kingdom through the High Commissioner.

10. Mr. F. E. JAMES: With reference to the reply given to unstarred question No. 20 of the 3rd December, 1925, will the Hon'ble Member in charge of the Department of Finance be pleased to state whether it is the intention of the Government to continue to give opportunities to local book-sellers of supplying tenders for the supply of publications required by the Government?

The Hon'ble Mr. J. DONALD: Government are prepared to consider tenders by local book-sellers for the supply of publications required by Government.

Appointment of Muhammadans in Government departments.

11. Maulvi ABDUL QUADER: Will the Hon'ble Member in charge of the Appointment Department be pleased to give a detailed account of the final decisions of the Bengal Government on the subject of the increase of percentage of future appointments of qualified Muhammadans in every department of Government (whether in the Provincial and Subordinate Services or in the ministerial services in this province) not mentioned in the Government *communiqué* dated the 21st December, 1925?

The Hon'ble Sir HUGH STEPHENSON: Government are not yet in a position to give any information beyond that contained in the *communiqué* referred to.

Maulvi ABDUL QUADER: Will the Hon'ble Member be pleased to state the time by which Government will be in a position to give the necessary information?

The Hon'ble Sir HUGH STEPHENSON: I am afraid I have nothing further to add to the answer I have already given.

Levy of fees from indoor and outdoor patients in hospitals.

12. Babu SURENDRA NATH RAY: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether the indoor and outdoor hospitals where patients had the privilege of being treated free of charge before 1921, and where patients had to pay fees after 1921, have now to pay the said fee whether as indoor or as outdoor patients?

(*b*) Do the Government still adhere to the policy that such fees should be charged?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) The system of charging fees both for indoor and outdoor patients in the Calcutta hospitals was introduced with effect from the 1st January, 1923. The receipts from out-patients were insignificant and the charges levied from that class of patients were abolished from 7th July, 1923. The charges on outdoor patients in the Sambhu Nath Pandit and the Campbell Hospitals were found to be unpopular and yielded a very small amount. The levy of fees in the general wards of these hospitals was accordingly discontinued with effect from 20th August, 1924. On the recommendation of the Visiting Committees of the Medical College and the Presidency General Hospitals

it was decided to continue the levy of fees from in-patients at these hospitals where, it was reported, the system was working satisfactorily. For class III dispensaries and hospitals, the Managing Committees were authorised to levy charges at rates to be fixed by them—the poor being exempted.

(*b*) Yes, in so far as indoor patients at the Medical College and Presidency General Hospitals are concerned.

Adjournment of courts on Fridays.

13. Maulvi RAJIBUDDIN TARAFDAR: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that though the Muhammadan officers in the mufassal courts are allowed leave for a period of time to say their prayer on Fridays, yet the courts do not suspend their work during that period?

(*b*) Will the Hon'ble Member be pleased to state the reasons for this?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Orders were issued directing Criminal and Revenue Courts to adjourn on Fridays between 12-30 and 2 P.M. Government is *not* aware that these orders are not being complied with.

(*b*) Does not arise.

Bengal Veterinary College.

14. Maulvi MUHAMMAD YASIN: (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state—

(*i*) how many graduates of the Bengal Veterinary College still remain unemployed; and

(*ii*) the period of their unemployment?

(*b*) Will the Hon'ble Member be pleased to state whether it is a fact that only two students from Bengal could get admission into the Bengal Veterinary College in the year 1925?

(*c*) Is the Hon'ble Member aware of the advantages derived by the other provinces from the above College?

(*d*) If so, have they considered the desirability of insisting on distributing the cost of maintenance and upkeep of the College, proportionately on the different provinces, according to the number of students each province sends?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) (*i*) Forty.

(*ii*) 4 since 1923, 16 since 1924, and 20 since 1925.

(*b*) Only two students from Bengal applied and both were admitted.

(*c*) Yes.

(*d*) Contributions on account of the cost of maintenance of the Bengal Veterinary College are recovered from other provinces on the basis of the number of students sent by them.

Honorary teachers of jail-birds.

15. Maulvi TAYEBUDDIN AHMED: Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that the Government of Bengal is organising a scheme of sending Moslem preachers on *Juma*-days and during *Id* festivals to give religious instructions to Musalman prisoners?

The Hon'ble Sir HUGH STEPHENSON: Rule 691A of the Jail Code provides for religious instruction to Muhammadan and other prisoners by honorary teachers. It is hoped that provision will be made in the budget estimates for the year 1926-27 for meeting the conveyance expenses of such teachers.

Bhatpara, Garulia and Tittagar municipalities.

16. Maulvi WAHED HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether the elective system is in force in the municipalities of Tittagar, Garulia and Bhatpara?

(*b*) If not, will the Hon'ble Member be pleased to state the reason for not extending the privilege of franchise to the rate-payers of those municipalities?

(*c*) Are the Government contemplating granting the elective franchise to the rate-payers of the Tittagar, Garulia and Bhatpara municipalities?

(*d*) If the answer to (*a*) is in the affirmative, from which year is the elective system likely to be introduced?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) The answer is in the negative.

(*b*) In these three municipalities the greater part of the rates is paid by the mills; the number of individual rate-payers is exceedingly small and the number of persons who would be qualified to vote is still

smaller (about 3 per cent. of the population in Bhatpara and Garulia). The franchise is desired by a very small section only. The present system provides efficient administration and due representation of the important mill interests. Under the Municipal Bill rejected by the Council as reactionary the system by which all the Commissioners are nominated by Government would have been abolished.

(*c*) No.

(*d*) The question does not arise.

Dr. BIDHAN CHANDRA ROY: May I ask the Hon'ble Member whether he is perfectly satisfied with regard to the correctness of the statement he has made in clause (*b*) of the answer. I may read out the sentence I am referring to:—"The franchise is desired by a very small section only. The present system provides efficient management and due representation of the mill interests." Is it from his personal knowledge or is it from the report he has received?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: That is the information Government have received.

Dr. BIDHAN CHANDRA ROY: May I ask who gave the information to the Government of Bengal?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The subordinate officers of Government.

Saraswati and Kana Nadi.

17. Babu TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) what further progress has been made towards the re-excavation of the rivers Saraswati and Kana Nadi in the districts of Hooghly and Howrah; and

(*ii*) when are the works expected to be taken in hand?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*i*) and (*ii*) The member is referred to the answer given to his own question at the Session of the Council on the 4th December last.

Rorha Khal.

18. Babu TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what further progress has been made for the re-excavation of the Rorha Khal (also known as Arora Khal) in thana Khanakul, district Hooghly?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: It is not the intention of Government to proceed with the excavation of the Arora Khal until the effect of dredging the Hoorhoora and Buxi Khals has been examined.

Kunti Nadi.

19. Babu TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) what steps, if any, have been taken to re-excavate the river known as Kunti Nadi in the district of Hooghly; and

(*ii*) if no steps have been taken, when the work is expected to be taken in hand?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*i*) The matter is at present under investigation by the local officers of the Irrigation Department.

(*ii*) Does not arise.

Namasudras in the Bengal Judicial Service.

20. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of officers in the Bengal Civil Service (Judicial) belonging to the Namasudra community?

(*b*) Are the Government considering the desirability of taking more officers from that community?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The Namasudras are included in the classification of Hindus, and no separate information regarding their number in the Bengal Civil Service (Judicial) is available.

(*b*) There is no bar to the appointment of Namasudras provided they possess the requisite qualifications.

Visitors of jails.

21. Babu SURENDRA NATH RAY: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether there is any distinction amongst the non-official visitors of jails?

(*b*) Are all non-official visitors of jails allowed to visit the political prisoners? If not, why not?

(c) Will the Hon'ble Member be pleased to state why Mahara Kumar Sris Chandra Nandy was not allowed to visit the politic prisoners interned in the Berhampore Jail as stated by him in tl Council on the 8th December, 1925?

The Hon'ble Sir HUGH STEPHENSON: (a) The functions of a non-official visitors of jails appointed under rule 63 of the Jail Co are the same, except that lady visitors visit only the female wards.

(b) No. Under the rules prescribed by Government special no official visitors are appointed to visit State prisoners, and Governme decided that the same visitors should visit persons detained in ja under the Bengal Criminal Law (Amendment) Act, 1925.

(c) He has not been appointed a special visitor.

Mr. S. N. HALDAR: Will the Hon'ble Member be pleased to sta whether there is a special list of non-official visitors of jails and the qualifications?

Mr. PRESIDENT: That is a big question and you cannot call it supplementary question.

Mr. S. N. HALDAR: There are three questions, Sir.

Mr. PRESIDENT: I disallow it as an abuse of the right asking questions. Order, order.

Mr. A. C. BANERJEE: May I know, Sir, the reasons for disallo ing——

Mr. PRESIDENT: Mr. Banerjee, while I am standing you shou resume your seat at once.

Mr. A. C. BANERJEE: I was in time Sir,——

Mr. PRESIDENT: Order, order. Maulvi Sayedul Hoque will nc move item No. 3 in the List of Business.

Mr. A. C. BANERJEE: Sir, I wanted to put a question, but I w not allowed to do so and I want to know the reasons.

Mr. PRESIDENT: We have passed on to item No. 3 and have th passed the stage of putting supplementary questions.

Mr. A. C. BANERJEE: I was in time, Sir.

Mr. PRESIDENT: In spite of my saying that the time had already passed, you persist in saying that you were in time. Would you please withdraw that remark?

Mr. A. C. BANERJEE: I do not withdraw that remark because I think I was in time and I put it to the House.

Mr. PRESIDENT: I am very sorry, Mr. Banerjee. You know the power that is vested in me, but I am not going to exercise this power this time. At any rate I hope I deserve greater respect from those members of this Council who were once my colleagues.

Non-official Business.

Amendment of Standing Order 43 (Section 51).

Maulvi SAYEDUL HOQUE: I beg to move that at the end of the proviso to Standing Order 43, the following be added, namely:—

"Also provided that the Secretary shall circulate the copies of the Bill among the Members of the Council for their use to reach them 10 days before the motion is made when any Member gives notice for leave to introduce a Bill and at the same time gives notice to move that the Bill be taken into consideration."

Mr. PRESIDENT: Maulvi Sayedul Hoque's amendment runs as follows:—

"At the end of the proviso to Standing Order 43, the following be added, namely:—

"Also provided that the Secretary shall circulate the copies of the Bill among the Members of the Council for their use to reach them 10 days before the motion is made when any member gives notice for leave to introduce a Bill and at the same time gives notice to move that the Bill be taken into consideration?"

Mr. PRESIDENT: Does anybody object to leave being granted for this motion to amend the Standing Orders? (Pause.) As no objection has been taken the amendments, under the rules, stand referred to a Select Committee. I hereby fix the 19th February, at 5 P.M., as the latest date for the receipt of names of members who desire to serve on the committee. Balloting for the Select Committee will begin at 2-30 P.M., on the 23rd February and finish by 2-55 P.M., on the same day.

I also nominate Babu Jatindra Nath Basu, one of the panel of Chairmen, as a member of the committee.

Non-official Member's Bill.

The Bengal Village Self-Government (Amendment) Bill, 1925.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I beg to present the report of the Select Committee on the Bengal Village Self-Government (Amendment) Bill, 1925, by Rai Harendranath Chaudhuri.

Rai HARENDRANATH CHAUDHURI: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1925, as reported by the Select Committee, be taken into consideration.

Sir, in moving this motion, I would like to invite the attention of the House to my note of dissent and to draw their attention to two very important points raised therein. In the first place, Hon'ble Members will please note that the Select Committee in amending clause 2 of the Bill propose to retain the present power of the District Magistrate to dismiss chaukidars and dafadars, and the Committee amendment invests the District Magistrate with as much authority over the chaukidars in this respect as it was proposed by the Bill to confer on the Union Boards only. Nay more. If the Bill as amended by the Select Committee be enacted into law, the District Magistrate will enjoy uncontrolled authority to dismiss the chaukidars and dafadars: whereas the Union Boards' authority in this respect, *i.e.*, in the matter of dismissal, will be limited and controlled by the provision for the approval of the District Magistrate.

The effect of this will be that the Union Board will not even be a co-ordinate authority, but will enjoy inferior powers to those of the District Magistrate. This is hardly justifiable. If the chaukidars are village servants, if they are appointed and maintained by the Union Board, certainly in all fairness the Union Boards should have the power to dismiss them—at any rate as much power as it is proposed by the Committee to confer on the District Magistrate.

In the next place, I would invite the House to consider seriously to whom the right to determine, not only the salary but the cost of equipment of the village police should belong—which of the two bodies, the Union Boards or the District officials, should in justice and equity have the voice and authority in the matter of the determination of the cost of equipment of chaukidars—when the cost of equipment will be raised by the representatives of the villagers by taxing the villagers themselves. And not only should it be borne in mind that the villagers have got to find out the money but it should be remembered at the same time that like the pay bills of the chaukidars

the bills for their equipment are also the first charges on the Union fund. One of the primary objects of the imposition of the Union rate as stated in section 37 of the Act is to find out "the sum required for the salaries and equipment of dafadars and chaukidars". Any default in the matter of raising this sum, even failure to pay punctually and regularly the cost of equipment carries with it such extreme penalty as the appointment of punitive officers, If I may say so, to realise the arrears. Thus section 54 (*1*) of the Act says: "If at any time the District Magistrate is satisfied that the whole or any portion of the salaries, or of the cost of equipment, of dafadars and chaukidars, or of the salaries of the establishment of a Union Board, is in arrear, the District Magistrate may appoint such person or persons as he may consider necessary to realise any sum so due, together with the incidental cost (if any) of collecting it."

It will be seen, therefore, that the cost of equipment of dafadars and chaukidars has a large bearing on the question of the disbursement of the Union fund and is certainly not a matter of small consequence in the economy of the Union Boards.

Apart from these important points, which I would request this House to bear in mind in dealing with the Bill before them, I should, I think, indicate my position a little more fully with regard to the proposals mooted in my Bill. I consider myself fortunate, Sir, that my puny Bill has attracted so much attention from both sides of the House. I am free to confess that when I originally drafted this Bill, I did it not with very high hopes regarding the attitude of the House and anticipated nothing more than an indifferent response to the proposals made in the Bill. While on the one hand I anticipated nothing but an indifferent attention and lukeworm support from the Non-official Benches, on the other hand I thought that the attitude of the Government will be more sensible and will be one of co-operation rather than opposition to the more important proposals contained in the Bill. I thought, Sir, that better sense will prevail in the Treasury Benches and that they would welcome an intermediate position between those of the Acts of 1870 and of 1892. But I am disappointed to find that the Government will try to maintain as much as possible the reactionary attitude of 1892 and are anxious to play the role of dictator to the so-called institutions of village self-government set up by the Act of 1919. I feel, therefore, encouraged by the attitude of my non-official colleagues and am prepared to think with them that it is high time to revert to the position of 1870 and to the *status quo ante* 1892 if not to improve it further and free the new institutions from official influence altogether and thus make them as much self-governing as possible in the small matters relegated to their care. I am prepared, therefore, to go further than my original proposals if only I am assured of the support of the Council in the forward move.

The following motion was called but not moved:—

Mr. B. N. SASMAL to move, by way of amendment, that the Bill as reported by the Select Committee be recommitted to the Select Committee, without limitation, with instructions to submit a fresh report for presentation to the Council as soon as possible, quorum to be five.

The motion that the Bengal Village Self-Government (Amendment) Bill, 1925, as reported by the Select Committee, be taken into consideration was then put and agreed to.

Clause 2.

Mr. B. N. SASMAL: It is merely a verbal amendment which is proposed. I move that in the proposed sub-section (*1*) of section 20, line 2, for the word "exists" the word "occurs" be substituted.

Sir, I propose that, instead of the word "exists", the word "occurs" be substituted. That word "occurs" has been used in the proviso in the 2nd line thereunder and it is in conformity with the use of that word. I, therefore, propose that the word "occurs" be substituted for the word "exists".

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I may point out that this is merely a question of drafting and that it was actually considered by the Select Committee in consultation with the Legislative Department. The word "exists" is wider in its meaning than the word "occurs" and covers the appointments to be made when a Board is first created. Whereas the word "occurs" is more popularly used in connection with an existing appointment becoming vacant by reason of the death, dismissal, etc., of the incumbent. The word "occurs" is used in the first proviso to the sub-clause, but that has special reference to vacancies occurring in the manner referred to above.

Mr. B. N. SASMAL: In view of what the Hon'ble Member said I withdraw the motion.

The motion was then, by leave of the Council, withdrawn.

Mr. B. N. SASMAL: I beg to move that in the proposed sub-section (*1*) of section 20, line 3, the words "subject to the approval of the District Magistrate" and the proviso to the said sub-section (*1*) be omitted.

Sir, my amendment will come to this: If these words are omitted the Union Board shall, when any vacancy exists, appoint a person. That refers to sub-section (*1*) of section 20 and all the other words in the proviso will disappear. Now there are really two points in my amendment: the first point is this: that the Union Board shall have the unrestricted power to appoint defadars and chaukidars and the

District Magistrate shall have nothing to do with the power of the Union Board to appoint defadars and chaukidars. My second point follows upon this I believe—that in case the right of the District Magistrate to approve an appointment is allowed, then the proviso should go. I should think that at the first instance when the words "subject to the approval of the District Magistrate" are taken out the proviso will fall through by itself.

My friend Rai Harendranath Chaudhuri has just now informed the House that he is not unwilling to go back to the position which the Chaukidari Act of 1870 occupied. In 1870 after about 60 or 70 years' struggle between the Government and the people there was a compromise. In 1870 Mr. Rivers Thompson, who became subsequently the Lieutenant-Governor of the Punjab as Sir Rivers Thompson, admitted in the floor of this House that as a compromise the right of the villagers to appoint chaukidars was conceded on the part of Government. For about 20 years from 1870 to 1892 things continued as things were provided for in the Act of 1870. But during the period of 22 years reports began pouring into the Government shelves that the chaukidars were not doing their duty properly and that the right to appoint chaukidars by Panchayats had been wrongly given. Then in 1892 that right by certain amendment was taken away and we thought that in 1919, after the report on the constitutional reform had been published by no less a personage than Mr. Montagu and also our late Viceroy Lord Chelmsford, we would have the right to go back to the position of 1870, but it happened that in 1919, after about 50 years from 1870, we have not been allowed by the authorities of this land to go to the position of 1870 and it is still more surprising that in the year 1926 when my friend has brought this Bill Government have not thought fit to take up the suggestion that the control of the District Magistrate should be taken away altogether and that the name which has been given to this Act—Village Self-Government Act—should be justified. By going through the Act I find that its name is really a misnomer. It cannot be said that we have got self-government at all under this Act. There are two parts in this Act as there are two parts in this Council—reserved and transferred subjects. Chaukidars and dafadars according to the scheme of this Act belong to the reserved subject under the Village Self-Government and other matters which can be executed under the provisions of section 37 by raising funds among the villagers are transferred subjects. My friend's proposal is that this reserved subject be now made a transferred subject and that the control of the chaukidars and dafadars be taken away from the Government altogether and that the right to appoint and dismiss be given to the elected representatives of people who have been enfranchised by this Act. That is a simple proposition and requires no strong language or argument to support it. If the proposal of the Government had been something like this, that the appointment of dafadars and

chaukidars should be subject to the approval of the local Government, we can at any rate, possibly understand it, for then the approval or disapproval is made by the Minister in charge of Local Self-Government, and would be the subject of discussion in this Council; but this approval of the District Magistrate takes away the right of this House to criticise the conduct of the District Magistrate in approving or disapproving a thing which has been done by the Union Board. Immediately the District Magistrate approves or disapproves the appointment made by the Union Board, and suppose immediately after that we come to the local Government and agitate the matter, the local Government would point out this section and say they have no jurisdiction to interfere. The Act has given power to the District Magistrate to approve or not to approve, and the local Government has nothing to do with it and cannot interfere, much less the Council. That is a reserved subject according to the scheme of the Act, and it is made more reserved by this proviso, more clearly and definitely than was previously anticipated by my friend when he introduced the Bill Therefore I would ask the House to consider whether we really appreciate self-government in the villages and if it is the real intention of Government that we should have self-government in the villages, it is high time that they should concede to this demand of ours.

I am not suggesting anything which can be said to be revolutionary or which can be described as even new. These things existed in 1870 as everybody knows, and if things which existed in 1870 could not be given to the people of Bengal in 1926, I do not know why they have been protessing that they are going to give us self-government sooner or later. The history of legislation in this country shows that there is no progress, and this is another piece of legislation which indicates the mentality of the authorities that they do not intend to give us anything, but only to make their own position tighter even in the villages. Supposing chaukidars are appointed by the Union Board, what harm would there be? There is absolutely no reason or sense in not passing my amendment that the control of the District Magistrate should be removed entirely.

With these words I recommend my amendment for the support of the House.

Mr. KIRAN SANKAR ROY: I beg to move that in clause 2 the proposed proviso to section 20 (*1*) be omitted.

If my proposal is accepted, the section would run thus:—"That the Union Board shall, when a vacancy exists, appoint a person to be dafadar or a chaukidar subject to the approval of the District Magistrate."

Though moving this amendment I agree with my friend Mr. Sasmal in not only omitting the proviso but the last line of the first paragraph also, "subject to the approval of the District Magistrate". But I am

not so hopeful in getting the assent of the House to that amendment. And I am prepared to make a more modest demand that only the proviso be omitted from this section, and that will retain the approval of the District Magistrate. What I want is that the power of appointment of the chaukidars and dafadars be delegated to the Union Boards which represent the tax-payers and with whose money these chaukidars and dafadars are paid.

I am not going into the question of dyarchy, and I do not want to frighten my friends on the other side by discussing on what foundation the British Empire rests because, after all, it is a very simple affair and stands on this elementary principle that the man who pays for these chaukidars should have a voice if not the final voice in their appointment.

As I said before that though agreeing with Mr. Sasmal I do not desire to go as far. I am prepared to be satisfied with this small concession for the present. With these words, Sir, I commend this very small amendment for the acceptance of this House.

Rai HARENDRNATH CHAUDHURI: I entirely sympathise with the view advanced by Mr. Kiran Sankar Roy, but while I can understand the arguments of Mr. Sasmal I cannot understand the full import of Mr. Roy's. Mr. Roy says that he is agreeable to the suggestion for the approval of the District Magistrate, but the final voice must be with the Union Board and the proviso should be omitted. The effect of the amendment will be that the Bill will provide nothing for the resolution of any deadlock that may arise from the conflict of the opinions of the Union Board and the District Magistrate. As far as Mr. Sasmal's arguments are concerned, I think they are unexceptionable and there can be no valid objection to going back to the Act of 1870. Why should we not go back to the provision of the Act of 1870 which left the appointment of chaukidars and dafadars to the Union Boards? I think the Union Boards ought to be given the power of appointing these chaukidars and dafadars, and I do not see why they cannot be permitted to exercise that right without the control of the District Magistrate. I am not prepared, however, to agree with Mr. Sasmal when he says that the Bill provides something more reactionary than the existing Act of 1919. The Act of 1919 simply says that the Union Board shall only "nominate" persons but the appointment shall be made by the District Magistrate. This Bill provides that both the power of appointment and the initiative be given to the Union Board. Therefore the Bill is certainly an advance on the present position as it is under the Act of 1919, but I agree with Mr. Sasmal that it is not a substantial advance, therefore, I am prepared to accept Mr. Sasmal's amendment because I do not think any evil will be done if the power be given to the Union Boards to appoint village watchmen without waiting for the approval of the District Magistrate.

Babu AKHIL CHANDRA DATTA: I am anxious to point out to this House that the proposed amendment is really no amendment of the existing law, because under the existing section 20 the arrangement is this, the Union Board shall nominate and the District Magistrate shall appoint, if he is satisfied with such nomination. Let us see what is the amendment. The amendment says the Union Board shall appoint chaukidars and dafadars subject to the approval of the District Magistrate, and the proviso says that if the District Magistrate is not satisfied with this nomination then he shall make the appointment himself. What is the difference between the existing law as it stands and the proposed section 20. The difference is absolutely nil; we are where we were under the Act of 1919. Practically there is no substantial difference between the old law and the proposed new law. This will be made all the clearer if we remember for one moment how the law is actually administered. Under the Act of 1919 we know that the District Magistrate includes the Additional District Magistrate; therefore I take it that the intention of the legislature in 1919 was that this definite power could be exercised only by the District Magistrate or the Additional Magistrate. What is, however, the actual practice? I have been furnished with some papers by the President of the Union Board in my district just when I was coming to this meeting, with reference to the appointment and dismissal of a certain dafadar. That case is still pending. What happened is this. A certain man was appointed as a dafadar by the Union Board. The appointment was confirmed, as a matter of fact, by the Superintendent of Police. I say the Superintendent of Police because as a matter of fact, admittedly the power of appointment which was vested in the District Magistrate under the Act of 1919 had been delegated by the District Magistrate to the Superintendent of Police. I do not know what is the practice in other districts. I am not quite sure what is the rule under the Act, but as a matter of fact, as far as the District of Tippera is concerned, this power has been delegated by a standing order of the District Magistrate to the Superintendent of Police. But the Superintendent of Police never goes into these matters himself, but has in his turn for all practical purposes delegated this power to the Sub-Inspector of Police. I am giving these facts not from memory, I am prepared to prove all this from the correspondence between the Union Board on the one side and the Subdivisional Officer and thana officer and the District Magistrate on the other side. What happened was this. The appointment was made by the Union Board and the Superintendent of Police confirmed it, the man began his work as a dafadar. Within less than a month, however, an order was received by the President of the Union Board from the Sub-Inspector of Police stating that the man appointed had been dismissed and another man appointed in his place. That was the communication received from the Sub-Inspector of Police. The President of the Union Board refused to accept this, and stated that he was referring the matter

to higher authority, the Subdivisional Officer and the District Magistrate. In the meantime the Sub-Inspector of Police wrote to the President of the Union Board asking him to make over the uniform of the dafadar to the man newly appointed. The Union Board would not do this. This unfortunate dafadar who was appointed previously goes to the thana to give his attendance there and his uniform is taken away by the daroga and a communication was made to the President. The President in his turn asked the daroga to return the uniform to the man who was previously appointed and the daroga replied that he would not. There was a fight over this matter of the uniform between the President of the Union Board and the thana officer. That is how the position stands. When a reference was made to the Superintendent of Police he stated that though he really confirmed the appointment, the Sub-Inspector had told him that the dafadar had previously taken some part in some anti-British demonstration at the time of the non-co-operation movement, and therefore they had got rid of the man. So that a real tug-of-war has been going on over this simple matter of the appointment of a dafadar, for over six months. That is the condition under the existing Act and I am quite sure that the proposed amendment will not alter the situation. No appointment can be made without the approval of the District Magistrate, but the real control is in the hands of the Sub-Inspector of Police to whom the power of appointment and dismissal of chaukidars and dafadars has been delegated. The point is, Mr. President, whether we ought to be satisfied with that. As has been pointed out, it is now precisely 55 years, that is in 1870, the power was given to the Board without any condition, unfettered. It is now proposed to give us better and more substantial village self-government, at all events that is what is implied from the title of the Act, the Village Self-Government Act.

The right and power, the unqualified right of the village people to appoint, and as a matter of fact that was the right exercised more than 55 years ago. Well, that is the position, and that is the reason why I cannot congratulate my friend for bringing forward this amendment, much less can I congratulate my friend Mr. Roy for the amendment which he has moved; the matter is so very small there is no real advance at all. Even if this is carried, I am not quite satisfied that it will improve the situation in the least.

SHAH SYED EMDADUL HUQ addressed the Council in Bengali. The English translation of which is as follows:—

"I rise to say a few words on this subject from a sense of duty because I am a villager and have twenty years experience of the working of the chaukidari system. It appears that at first it was proposed to disburse the salaries of the chaukidars from the income of the stamp duty, but subsequently the whole burden come to be thrown practically on the villagers. Since it is the villagers who pay the chaukidars why should the Magistrate or the Circle-Officers on his behalf, have absolute

control of the money? But considering the disunion and mismanagement which are to be found at present in the majority of the Union Boards and their subservience to their presidents, there is undoubtedly some risk of mischief, unless control in the matter is made conditional upon the sanction of the District Board or the Advisory Board constituted with the representatives of the presidents, in the case of all Boards except a very few. The cause of objection will be quite removed by changing the sanction of the Magistrate into the sanction of the District Board. This amendment may be easily effected by an agreement between the Government Member and the members of the Swarajya and Independent parties. The Union Boards possessed large judicial powers which have been taken away. Before this Bill giving powers to the President has been passed, a conspiracy is on foot on the strength of this measure for the dismissal of an unfortunate and innocent chaukidar. One has been compelled to draw the attention of the Sub-Divisional Officer to it, there being no other place where appeal could be made for redress. But since the investigation of the case has been entrusted to the Police Department and the Circle Officer, it might be said that there is almost no hope. If the power of the Magistrate had been placed in the hands of the District Board, redress would have been a certainty. In the case of the District Board which has many independent minded men, the case would have been investigated in a different manner. There are of course a few good Union Boards in every district and one may feel assured that there will be no injustice if all the powers are made over to them. What however is to be done in the case of a Board in which there are disunion and corruption? The people certainly must have more power but the possession of unlimited power does not always serve the purpose of justice. Government refused when I proposed in the Council to withhold judicial powers from the Union Boards in which there was disunion and some of the members sang in tune with Government. We can form no idea of the injustice and oppression which would have been committed if Government had not issued a circular to this effect, as they luckily came to do subsequently.

I have described above what I consider to be the real condition in disregard of the consideration that my words may be unpleasant. I hope the members will not be guided by their party decision but vote independently for the amendment, and thereby secure the welfare of the country. What the preceding speaker said about the police is apt to be overlooked by the majority of the members who are townsmen, but the fact is that owing to the increase of the powers of the president nearly all police officers make friends with him and the police and the President give mutual help."

Mr. MAHBUBUL HUQ: In an age when there is a growth of national self-conciousness and when the people have begun to realise their responsibilities towards themselves as well as to their country, the inclusion of

a proviso like this would be a standing blot on their intelligence. What is given by one hand is now intended to be taken away by the other. If these Union Boards are not given opportunity to realise their functions judiciously in the matter of the appointment of chaukidars and dafadars, then I think these powers with such a proviso ought not to be given to them at all. The District Magistrates are no doubt mere birds of passage coming from one place to another, at the sweet will of the Government, but the local people—the people of the locality—are best fitted to know and to appoint their own men and to have a final voice in their selection, and to see that they discharge their duties. Therefore I think that this proviso as well as the words "subject to the approval of the District Magistrate" should be omitted altogether from this new Bill, otherwise the very purpose for which such legislation is necessary would be frustrated.

Mr. A. C. BANERJEE: I must express my thankfulness to Mr. Sasmal for having told us how we stood in 1870 and where we stand to-day. He has given us the various degrees and stages through which we have passed, and whereas we had power in 1870 we find to-day we do not have any power at all. I know something about these Union Boards. I happen to be the President of a Union Board in my district. I personally do not consult either the District Magistrate or any other gentleman to whom these powers are delegated for the appointment and dismissal of dafadars and chaukidars. If I find a chaukidar not doing his work, I dismiss him and then report the matter, and my action is approved by the Magistrate. But there are Magistrates and Magistrates. Then there are some who are reasonable and know how to deal with reasonable people, the majority of them cannot be said to have that reasonable frame of mind. Some of them are even cantankerous. When a daroga can be permitted to dispute and fight over a uniform of a dafadar, and if the Magistrate tolerates that, certainly the position of things becomes ridiculous. Now, what I say is this: You have asked these Union Boards to assess taxes; to do the unpleasant duty of assessing taxes and realising them, if necessary, by distraint. You have asked them to do this dirty work, but when it comes to vesting them with any power you say they must not have it. A Union Board area usually comprises 16 or 17 villages in all and there are 4 or 5 chaukidars. These chaukidars ought to be appointed by his Union Board. This should be so, because it is the Union Board that pays their salary out of its funds. What objection can there be to these chaukidars and dafadars being appointed by the Union Board who pays their salaries from the taxes raised by them. The only objection that I can think of is that when a big personage travels by rail these chaukidars are ordered at the sweet will of the Magistrate to go away from the post of their duty for 5 or 6 days running at a time and stand at the side of the railway line in order to show their respect to this personage who may be going to Delhi or Simla

or Darjeeling. That is the only disadvantage; otherwise there is no disadvantage which will accrue by the acceptance of the amendment proposed by my friend over there.

In regard to the question of prestige, all I can say is that if the prestige of the British Raj rests upon the power to appoint and dismiss chaukidars, then I must say that that Raj has come to a very sad pass.

Here we are asking for self-government; we want Swaraj; but we are told that in the villages although we are given power to levy and raise taxes yet we cannot be trusted with the power to appoint and dismiss chaukidars and dafadars. All that I can say is that your expressions of sympathy for our aspirations for Swaraj are hollow and hypocritical, and we do not believe what you say.

I hope the Council will accept the amendment moved by my friend.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: However much I may be in sympathy with Mr. Sasmal's ideal in moving this amendment, I do not think we have advanced sufficiently in the administration of Union Boards to be able to dispense altogether with the control of the District Magistrates over the appointments of chaukidars and dafadars. I therefore have to oppose Mr. Sasmal's amendment.

I do not see for a moment that the demand and the desire to be free from extraneous control in the appointment of their own staff by the Union Boards are unreasonable. Such a desire is certainly consistent with the ideal of complete autonomy in village self-governing institutions, an ideal to which we should look forward to. But the time has not come when we can withdraw all executive control in this respect without risk to administrative efficiency in this country. The dafadars and chaukidars are not exactly in the same position as similar employees of other municipal institutions. In addition to other duties they have to perform many police and executive functions with which the Union Boards have very little concern, as set forth in section 23 of the Act, though there are many Union Boards who can be trusted to appoint proper and suitable men. There are still many who may not be able to do so. Then again Union Boards may appoint chaukidars and dafadars who may be quite suitable for village watch and ward duties but wholly unfit for other miscellaneous work that is required of them. So long as the chaukidar has to perform all functions it is not possible to do away with what has been adversely characterised as dual control.

There is also another aspect of the question to which I regret to have to refer to. I mean the existence of party factions in a large number of Union Boards—which interferes with the appointment of suitable

persons and which therefore necessitates the existence of outside control who cannot identify themselves in parochial politics. It will probably be argued that the selection by a majority of members cannot be wrong. I regret to have to say that experience has shown that this is not always so and the Council will, I doubt, not agree with me. There are many factors which influence the majority in village society and politics and the best man may not always be selected. To guard against such reflections the control of the executive head of the district is necessary and proper and after all, this control as provided in the Bill is not very excessive. The existing Act only gives the Union Board power to nominate only and the actual power of appointment rests with the District Magistrate. The power of appointment is now given to the Board with subsequent approval of the District Magistrate. Mr. A. C. Banerjee has just told us that he himself makes appointments of these chaukidars in his own union and he has never received any obstruction from the District Magistrate. He has said that there are District Magistrates and District Magistrates. Similarly, we can say that there are Union Boards and Union Boards. It is not likely that this approval will be withheld very often. This power of approval already exists in many other cases. But in how many cases the executive authorities interfere with the appointments made by Local Boards. In very rare cases such action is disapproved. It is not likely therefore that the District Magistrate will unnecessarily interfere in ths case of appointments of dafadars and chaukidars.

I am afraid this objection to the executive control in the matter is more sentimental than real. On the other hand, as I have explained above, such control, though likely to be rarely exercised, is a real necessity in the interest of good administration.

I now turn to the proviso to section 20 (*1*). Mr. Kiran Sankar Roy wants to delete it from the Bill. This proviso is an absolute necessity and cannot be deleted. Cases may arise when a deadlock occurs in the activities of a Union Board due to party factions or a particular Union Board may neglect or delay to appoint chaukidars to fill in vacancies. There ought to be some other agencies to step in and make the appointments. If this is not done and the vacancies are not filled, not only the village watch and ward will cease, but, as I have explained, administrative work in the area will be seriously affected. The District Magistrate, who is the head of the District administration and is responsible for the peace and tranquility in the district, should have power to supply the deficiency.

Mr. Sasmal and Babu Akhil Chandra Datta have referred to the Bill of 1870, and Mr. Banerjee has thanked Mr. Sasmal for explaining how he stood in 1870 and how he stood in 1926. In this connection I should like to bring to the notice of this House the recommendations of the

Police Committee of 1891. On this committee there were men of very great eminence. Mr. John Beames was the President, and Mr. J. F. Stevens, Mr. J. C. Veasey, Mr. E. Macnaghten, Raja Peary Mohun Mukherji and Mr. Risley were Members. In their recommendations they say: "The appointment and (subject to the Magistrate's sanction) dismissal of chaukidars is another function which it has been everywhere found necessary to take out of the hands of the panchayats. In nearly every district the Panchayat nominate a man, whose qualifications and antecedents are reported on by the police to either the District or the Subdivisional Magistrate, as the case may be, by whom the appointment may be finally made." Then they quote from the reports of District Magistrates. In one district it is said "that in effect they (the Panchayats) appoint, for they make the post untenable to any chaukidar not approved of by them. They are said to take something for each appointment and sometimes to arrage for pay at less than the nominal rates." Another District Magistrate says: "The present section 35 of the Act indeed vests the appointment of chaukidars entirely in the Panchayats, but I think it is desirable that the power of appointment as well as dismissal should be exercised by the Panchayat subject to the sanction of the Magistrate. There will be room for jobbery, and the fittest man will not always be selected, if the power of appointment rests entirely with the Panchayat. We all know how prone the Panchayats are to report for the dismissal of chaukidars who get their property attached for arrears of salary, and it is no wonder they will select their own creatures, rejecting fitter and more independent men. In Bakarganj objections are frequently raised by the villagers against the nominee of the Panchayat, and such objections are heard and disposed of by the Magistrate." Then they go on to give different recommendations and the final recommendation was that the power of appointment and dismissal should vest in the District Magistrate. This was the position in 1870.

In 1924 the Inspector-General of Police in his report says: "I regret to have to report that cases have also occurred in which dafadars and chaukidars have been suspected and even known to be concerned with dacoities. This is attributed to economic distress, but it is more probably due to the gradual removal of control over the rural police from thana officers to Presidents of Union Boards who have not yet learned the necessity for close control over chaukidars and the need for strict discipline. As has been stated in previous reports, inadequancy of pay is a matter which requires serious consideration, and unless an increase in emoluments is given, I can see little hope of improvement in the class of men selected, or in their morale. Under existing arrangements the Police cannot exercise adequate control over the rural police and it is desirable that some steps should be taken to ensure that more discrimination is exercised in the appointment of chaukidars and dafadars and of the personnel of union boards."

So we see the position has not very much improved between 1870 and 1924. Therefore I think that no case has been made out for the withdrawal of this power.

Mr. Akhil Chandra Datta has made a reference to a pathetic story. He said he heard it while coming to the Council. I think Mr. Datta would have done proper justice to the District Magistrate if he had seen him and made an enquiry into the case. I think he ought to have tried to see the other side of the shield before he presented his case here. If he had seen the District Magistrate he might have got a satisfactory explanation of the incident. Many of us heard of various incidents but it will be out of place to mention them here. In view of all these things, I regret, I must oppose the amendment standing in the name of Mr. B. N. Sasmal and Mr. K. S. Roy.

Mr. B. N. SASMAL: May I reply?

Mr. PRESIDENT: You have no right of reply in case of an amendment. Have you any personal explanation to make?

Mr. B. N. SASMAL: No.

Mr. PRESIDENT: Item No. 5C raises two distinct issues. I, therefore, propose to split it up and put it separately.

The motion that in the proposed sub-section (*1*) of section 20, line 3, the words "subject to the approval of the District Magistrate" be omitted, was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ahsanullah, Mollah.
Bagchi, Babu Rames Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Rab.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Datta, Babu Akhil Chandra.
Dey, Babu Sereda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohon.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Ray, Babu Sateowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Ray, Mr. Kiran Sankar.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Hemanta Kumar.
Sarkar, Maulvi Allah Bukhsh.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Sen, Mr. N. C.
Singha, Mr. Arun Chandra.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ali, Maulvi Sayyed Sultan.
Banerjee, Rai Bahadur Abinash Chandra.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Hawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Dees, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Law, Raja Reshee Case.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Mitter, Sir Provash Chunder.
Morene, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Yarit Bhusan.
Simpson, Mr. J. W. A.
Smaith, Mr J. F.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Villiers, Mr. E.
Woodhead, Mr. J. A.

The Ayes being 54 and the Noes 48, the motion was carried.

The motion that in the proposed sub-section (*1*) of section 20, the proviso to sub-section (*1*) be omitted, was then put and agreed to.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I claim a division, Sir.

Mr. PRESIDENT: I am afraid you are too late for it.

Mr. Kiran Sankar Roy's amendment that in clause 2, the proposed proviso to section 20 (*1*) be omitted was not put as it was covered by the foregoing decision of the Council.

Mr. B N. SASMAL: My amendment is similar to the one that has just now been adopted by the House with regard to sub-section (*1*) of section 20. This amendment relates to sub-section (*2*) of section 20. My amendments is this:

"That in clause 2 in the proposed section 20 (*2*), lines 2 to 9, the words beginning with 'subject to the approval of the District Magistrate' and ending with the words 'record his reasons in writing' be omitted."

I have already said all I had to say with regard to the question of principle. There is one matter which I wish to bring to the notice of the House and it is this: So far as the present section 47 of the Bengal Village Self-Government Act is concerned it provides for the delegation of the District Magistrate's powers and duties specified in the first column of Schedule III to the officers mentioned in the second column of

the same Schedule. We find in Schedule III a statement of the powers or duties which may be delegated by the District Magistrate. Under the head "powers or duties" are appointment and dismissal of dafadars and chaukidars under section 20 and fining of dafadars and chaukidars under section 22. Under the head "To whom may be delegated" we find the officers are Subdivisional Magistrate, Superintendent of Police and Circle Officers. That is, subject to the approval of the District Magistrate means in the long run subject to the approval of the Circle Officer. This is provided for in the Act, and the House ought to be quite certain that in empowering District Magistrates to approve the appointments made by the Union Boards, they are really empowering the Circle Officers who roam about in our villages.

With regard to the argument that the Hon'ble Member has advanced, I have got to make one or two submissions. The Hon'ble Member has said that there are party factions in the villages, and therefore the Union Boards are not thriving. That is the very reason, Sir, why I have been appealing to the Government to give real powers to the Union Boards. These party factions are encouraged by this powerlessness. These party factions are encouraged even in this House, because we have not got this real power. These party factions are bound to come up now and then until we have got real power, and in the name of doing away with these party factions I appeal to the Government to accept the proposition that has just now been passed by this Council. The Hon'ble Maharaja Bahadur has also said that the power of approval is very rarely exercised. If that is so, why is he so very stingy in accepting this proposition. If it is merely a formal matter why not accept it. I know of approvals and disapprovals. I did not want to mention it because it is coming on later. When it is the question of the approval of a particular person, a favourite of particular authority in the district, it is almost always a foregone conclusion. If it is the question of the approval of one who is not a favourite of a particular authority in the district, it is not a foregone conclusion, and we are providing by this amendment for that contingency. Then the Hon'ble Maharaja Bahadur has also referred to the report of 1891, as if we are still in the year 1891; although as a matter of fact we are half a century ahead of that year. The mentality is there. The mentality of the Government is confined to the four corners of the report, and because the mentality has not changed we are in this difficulty. Our appeal is that Government should change that mentality. Some of us have been accused of having obstructed certain things in this Council. We hope that it is understood that if we did obstruct we did so with the object of getting larger powers, more powers; and we know the result. All the transferred departments have been made reserved. There is only a reserved subject in the Union Boards and we are agitating to make that subject transferred and we want to know whether the Government intends to do it. His Excellency the Viceroy has been asking us to co-operate

with the Government; and here is this acid test—whether Government will accept the right that we claim and say that they are prepared to co-operate when the people are also willing to co-operate with the Government in matters of this kind. Union Boards are existing in large numbers throughout the country; they have not been non-co-operating with the Government; they have been most loyally working —at least most of them and we on their behalf are crying for the extension of the powers. There is no obstruction in this matter. We want to be told distinctly and clearly, when there is this law-abiding co-operation, whether the mentality of the Government is to be changed or not. That is the acid test for the Government which has been proposed by this amendment.

Babu AKHIL CHANDRA DATTA: May I point out to this House the present position with regard to the matter of appointment and dismissal? The House has already carried the previous amendment by a large majority. The result is that so far as this power of appointment is concerned, the law of the country is that it is the Union Boards which will make the appointments without any reference to the District Magistrates. Now the general principle ought to be that whoever pays the salary ought to make the appointments and whoever makes the appointments should have the power of dismissal; that is the power of appointment and dismissal should go together. In view of the result of the last amendment it is only proper that like the power of appointment the power of dismissal should be vested in the Union Boards. Besides, with regard to the power of dismissal, suggested amendment does not make any real improvement in the position, except in this that there the word was "sanctioned" here the words are "subject to the approval of the District Magistrate". Beyond that verbal alteration, I for one fail to appreciate any difference between the power of dismissal as it stands now and as it is sought to be amended by this Bill. Now, Sir, speaking of this power of dismissal I am reminded of the case which I mentioned with regard to the other amendment. There I mentioned that the order of the Superintendent of Police was "so and so is appointed on probation for three months and after that the Sub-Inspector is to report whether he should be confirmed or he should be discharged". Therefore the power of dismissal is absolutely with the Sub-Inspector of Police without any reference whatsoever to the wishes or views of the Union Boards. Therefore the position of a chaukidar is that he is a man who has got to serve two masters—very much like that of a woman who has to serve two men—and it appears to me that the Sub-Inspector is something like the *uppapati* of the chaukidar, the President being the *pati* or the legitimate husband of the chaukidar.

Mr. A. C. BANERJEE: I wish just to speak one or two words in reference to the attitude of Government when it says that because of the party spirit that prevails in the villages no concession as has been asked

for should be made. Now, my friend, Mr. Sasmal, has made a reference to this party spirit. I want further to elucidate what that means. In this country, be it in the villages or elsewhere, there can only be two parties, beacuse of the helplessness of our position, to which Mr. Sasmal has also referred. There can only be two parties: one is made up of patriotic men willing to serve their country; the other of traitors, spies and self-seeking men. If the power is placed in the hands of the people then the people will divide themselves into groups or parties on patriotic basis when their view points are different. To-day the position is different. One party, *viz.*, the self-seeking party, exists for the purpose of self-advancement, always ready as spies and traitors to serve their own ends; while the other party makes all the sacrifices for the advancement of the country. Therefore the part faction or party spirit to which reference has been made will disappear if real power is given to these Union Boards.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: In opposing the amendment of Mr. Sasmal I gave my reasons why the District Magistrate should have the power of approval in the cases of appointment of chaukidars and dafadars. For the same reason it is still more necessary that he should have control over their dismissal. In the present state of village society, owing to existence of village feuds and party factions, it is not possible to expect that the authority over the chaukidar will always be used properly by the members of the Union Boards whatever might be the views of Mr. A. C. Banerjee. It is quite possible that an efficient chaukidar may be dismissed on social or other grounds. In many cases they may be wrongly dismissed for private reasons. Is it not, therefore, necessary that the action of the Board in this respect should be subject to some control?

Any one who has experience of village life knows what an important part the chaukidars play in the police administration of the country: One of his chief duties is to help the police officer in the investigation of crime. If there is a murder in the village, it is the chaukidar whose services are immediately requisitioned and he is the first on the scene of occurrence. He gives information at the thana and helps the Investigating Officer when he arrives. His knowledge of village social life enables the Police to obtain a clue. He summons witnesses, keeps watch over the accused, takes the dead body and the exhibits to the Court. If the District Magistrate's control is withdrawn and the chaukidar knows that he can neglect his duties with impunity and without the risk of dismissal, the investigation in crime will be seriously affected. If the authority of the District Magistrate over the chaukidars is withdrawn, they will gradually cease to do police and other administrative duties. It will then be necessary to have a separate agency for such work, either by the appointment of a separate village constabulary or by considerably increasing the thana staff. In either case funds will be necessary which,

I am afraid, the Council will not vote for. It is true villagers pay the chaukidars and dafadars. But if the Police Budget is increased, this also will fall ultimately on the people as an extra taxation which they will naturally resent. The dual function of the chaukidar and dafadar and their dual control may not be an ideal arrangement, but are certainly very convenient and economical. If the amendment proposed is passed, it will do away with the arrangement and will necessitate the appointment of a separate village agency under direct Government control which I am sure the Council do not desire. I strongly oppose these amendments.

Dr. BIDHAN CHANDRA ROY: May I ask, Sir, if the opinion expressed by the Hon'ble Member is his own opinion or the opinion of the Secretary.

Mr. PRESIDENT: Order; Order. It is not a proper question to put to a Member of Government and a member of the standing of Dr. Roy ought to know it.

This motion raises two distinct issues. I therefore propose to split them up and put them separately. I would put first the motion that in clause 2 in the proposed section 20 (2), lines 2 to 4, the words and figures "subject to the approval of the District Magistrate, and the District Magistrate may dismiss any dafadar or chaukidar who has failed to exercise the powers or to perform the duties referred to in section 23", be omitted.

The motion being put, a division was taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejay Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Doroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Tarakanath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Roy, Babu Satoeswripati.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Ray, Mr. Kiran Sankar.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Nemanta Kumar.
Sarker, Babu Nalniranjan.
Sasmal, Mr. S. N.
Singha, Mr. Arun Chandra.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Caben, Mr. D. J.
Crawford, Mr. T. C.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Dutt, Mr G. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. N.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Prevash Chunder.
Morene, Dr. H. W. B.
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Fahlewan, Maulvi Md. Abdul Jubbar.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Simpson, Mr. J. W. A.
Snaith, Mr J. F.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Villiers, Mr. E.
Woodhead, Mr. J. A.

The Ayes being 51 and the Noes 53, the motion was lost.

The motion that in clause 2 the proviso to the proposed section 20 (2) be omitted, was then put and a division taken with the following result :—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zanner.
Bagchi, Babu Romee Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umee Chandra.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Doreda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Sidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinranjan.
Sasmal, Mr. B. N.
Singha, Mr. Arun Chandra.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khân Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Moreno, Dr. H. W. B.
Morgan, Mr. C.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Pahlowan, Maulvi Md. Abdul Jubbar.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Simpson, Mr. J. W. A.
Snaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Villiers, Mr. E.
Woodhead, Mr. J. A.

The Ayes being 50 and the Noes 54, the motion was lost.

The following amendments were not put as they were covered by the foregoing decision of the Council:—

Rai HARENDRANATH CHAUDHURI to move that in the proposed sub-section (2) of section 20, line 2, the words "subject to the approval of the District Magistrate" be omitted.

Mr. B. N. SASMAL, Babu MANMOHAN NEOGI and Babu HEMANTA KUMAR SARKAR to move that in the proposed sub-section (2) of section 20, the words beginning with "and the District Magistrate" and ending with the words and figures "in section 23" and the proviso to the said sub-section (2) be omitted.

Maulvi WAHED HOSSAIN: I beg to move that in clause 2 in the proposed section 20 (2):—

(a) in line 3, after the word "and" the words "on the report of" be inserted;

(b) in line 3, the words "may dismiss" be omitted;

(c) the words "may also be dismissed by the board" be added at the end; and

(d) the proviso be omitted.

So far as this amendment is concerned, I should like to point out that this amendment is based on the line of least resistance. The change that is proposed to be introduced does not take away the power from the

Magistrate altogether, neither does it vest all the powers in the Union Boards. You will find that it is a sort of compromise between the two and power has been given to the Magistrate as well as to the Union Board under certain circumstances to exercise the power of appointment and dismissal. Then there is another thing which I may point out. If you omit the proviso to clause (2) of section 20 and adopt the wording "that the District Magistrate may also dismiss subject to the approval of the Union Board", you will find that there will be no conflict between the two, and the House will see that in framing my amendment I have taken good care to eliminate these conflicting powers that may be vested either in the one or the other. I therefore submit that the change which I have suggested, if accepted, will do away with the mischief that might be apprehended as a result of vesting the full power either in one body or the other. I therefore submit that the amendment is necessary to satisfy all the parties without giving cause for any apprehension to either party.

With these words I commend my amendment to the House.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I also oppose the amendment for reasons which I have already given just now. The effect of the amendment, if passed, will be this: The Union Board will have power to dismiss chaukidars if they fail to do their municipal duties and the District Magistrate will approve of it. If, however, they neglect their police and miscellaneous duties under the District Magistrate imposed under section 23 with which the Union Board has no concern and the Union Board does not take action, the District Magistrate will be powerless. This responsibility for the peace of the district would be conditioned by his subordination to the Union Board. The effect of this amendment will be that gradually chaukidars will drift from their legitimate duties under the District Magistrate and neglect them. This will be undesirable and will ultimately necessitate the appointment of a separate agency which must be deplored. I would, therefore, strongly urge that the power of dismissal should rest with the District Magistrate and oppose the amendment.

Mr. PRESIDENT: I ought to point out to the House that the House has already given its decision about the retention of the proviso; so the last line of the Maulvi Sahib's amendment will not be put to vote.

The following motion was then put and a division taken with the following result:—

"That in clause 2 in the proposed section 20 (*2*):—

(*a*) in line 3, after the word 'and' the words 'on the report of' be inserted;

(*b*) in line 3, the words 'may dismiss' be omitted;

(*c*) the words 'may also be dismissed by the board' be added at the end."

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zahoor.
Bagchi, Babu Ramee Chandra.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umee Chandra.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Dorada Prasad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjee, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohon.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. S. N.
Singha, Mr. Arun Chandra.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
AhsanuHah, Mollah.
Ali, Maulvi Sayyed Sultan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Crawford, Mr. T. C.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major-General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Moreno, Dr. H. W. B.
Morgan, Mr. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Pahlowan, Maulvi Md. Abdul Jubbar.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Smith, Mr. J. P.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Villiers, Mr. E.
Woodhead, Mr. J. A.

The Ayes being 49 and the Noes 55, the motion was lost.

Maulvi Wahed Hossain's motion that in clause 2 the proviso to the proposed section 20 (*2*) be omitted was not put as it was covered by the foregoing decision of the Council.

[At this stage the Council was adjourned for 15 minutes.]

[After the adjournment.]

Mr. B. N. SASMAL: I think that so far as clause 3 of section 20 refers to sub-section (*1*) of section 20, it falls to the ground because sub-section (*1*) has been adopted by the House. But if it refers only to that sub-section, I would not move it.

Mr. PRESIDENT: Then do you want to change your motion?

Mr. B. N. SASMAL: It is consequential.

Mr. PRESIDENT: What do you suggest then?

Mr. B. N. SASMAL: My main object is that the District Magistrate shall record his reasons in writing.

Rai HARENDRANATH CHAUDHURI: This has been covered by the previous discussion.

Mr. PRESIDENT: I want to know definitely what your amendment is, Mr. Sasmal.

Mr. B. N. SASMAL: My motion is that the whole sub-section (*3*) of section 20 be omitted, but the moving of the first part of my amendment as given in the paper has become unnecessary owing to the adoption of a former amendment of mine on this question.

Mr. PRESIDENT: I suggest that you might move in place of your amendment (No. 5L) "that in clause 1 of section 20, sub-section (*1*) be omitted".

Mr. B. N. SASMAL: I decide not to move my amendment.

The following amendment was then called but not moved:—

"That the proposed sub-section (*3*) of section 20, be omitted".

SHAH SYED EMDADUL HAQ moved that in clause 2 to proposed section 20 the following be added, namely:—

"Provided that before a dafadar or a chaukidar is removed by Union Board from his post, he shall be given an opportunity to submit a written explanation to the District Magistrate, about the charges made against him.

"Provided also that an appeal shall lie to the Commissioner of the Division direct or through the District Board against any such order of removal within 60 days from the date of the final order."

He spoke in Bengali. The English translation of which is as follows:—

"The first part of my motion in connection with the dismissal of the dafadars and chaukidars, considering that a definite provision for a written explanation will improve it.

The second part relates to the appeal to the Commissioner. I have proposed that the appeal should be made through the District Board. If the appeal is supported by the recommendation of the highest self-governing institution in a district, there will be a greater likelihood of obtaining redress.

Under the provision regarding the dismissal of the dafadars and chaukidars as it stands in the Bill, the poor fellows are placed under both the Union Board authorities and the Magistrate. The Union Board itself is completely under the Magistrate or practically under the Circle Officer or the Subdivisional Officer; under these circumstances, it is necessary that there must be some one to whom appeal can be made.

The number of such dismissals has increased of late. The mystery behind them is not unknown to us though it may be unknown to townspeople. The motive behind such dismissal and new appointment is self-interest, in some cases *zid* and parade of power providing indirect encouragement to evil-doing.

The full power in this matter remains with the magistrate or his subordinate acting on his behalf even in the amended Bill, the difference being only verbal.

The Chaukidars are under the transferred department over which there has been a severe battle in this House. It is true that the poor fellows fare very badly being placed under two masters both of whom they have to please. How little the Circle Officers, on the other hand, obey the circular issued at my suggestion, forbidding them to accept the hospitality of wealthy men in mufassil, can be ascertained on inquiry. Only the other day a police Inspector who was deputed by the Sadar Subdivisional Officer of Comilla to investigate into the allegations against the President of the Union Board No. 13 Chandina, did not hesitate to take food at the house of the same President and to make friends with him in other ways. Under such circumstance when a Chaukidar incurs the displeasure of the president, the latter always manages to obtain from the Circle Officer a statement supporting him.

I hope that the Swarajists as well as the Independents will take no exception to a provision for appeal for redress in conjunction with the

District Board. The inclusion of the words District Board may stand in the way of acceptance by Government. I draw, therefore, the attention of the members of the Moslem Swaraj Party to it. The Hindu members will agree to this reasonable proposal and I appeal to the Moslem members not to oppose it, without considering the consequences."

Babu AMULYA DHONE ADDY: I beg to support this amendment. Under this amendment it is proposed to give a right to the dafadars and chaukidars of making a representation to the District Magistrate against the order of dismissal and also a right to make an appeal to the Divisional Commissioner against the decision of the District Magistrate. We know, Sir, that the powers of the District Magistrate are generally delegated to Sub-Inspectors of Police and we also know that some of the police officers abuse the powers that are entrusted to them and they treat the chaukidars as their own menial servants, and if they are unable to please the Sub-Inspector of Police their services are dispensed with by the District Magistrate on the report of the Sub-Inspector of Police. Therefore it is but right and just that these chaukidars should be allowed the right of making a representation to the District Magistrate and, if necessary, to submit an appeal to the Commissioner of the Division against the decision of the District Magistrate It is to the British sense of justice that I appeal and I hope the Hon'ble Member will accept this amendment.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have every sympathy with the Shah Saheb in his desire that a dafadar or chaukidar should be allowed to submit an explanation to the District Magistrate against charges made and that an appeal should lie to the Commissioner. If the Shah Saheb will look into the Chaukidari Manual, he will find that in section 173 the following provision is made:

"All reports against chaukidars received from the police shall be in Form G, but no chaukidar shall be dismissed without being given an opportunity of representing his case before the Subdivisional Officer or District Superintendent of Police, as the case may be."

As regards dismissals, rule 3 of the Rules under the Bengal Village Self-Government Act, provides thus:

"When the Board at a meeting consider that a dafadar or chaukidar should be dismissed, it shall submit a statement of the case in Form G to the Circle Officer who will forward it to the District Magistrate with his comments. The statement submitted by the Board shall furnish the following information in full detail:—

(a) the nature and particulars of the misconduct or neglect complained of;

(b) the explanation of the defendant;

(c) details of his previous punishments and rewards; and

(d) the finding and the recommendations of the Board."

So, the Shah Saheb will see that these matters have already been provided for, and I see no reason why further provisions should be made for taking the explanation of chaukidars and dafadars.

As regards the appeal to the Commissioner, I think, Sir, the position would be hopeless. If you look at the number of chaukidars in the province you will see that the total number of chaukidars employed in Bengal is 73,576 and of dafadars, 6,837. In 1924, in the Rajshahi division alone the number of chaukidars was 18,143, and of dafadars, 1,148, and there were 456 dismissals. If the Commissioner of the division is to sit in judgment, enquire into and decide on 456 appeals, I submit his position will be miserable: and I am afraid Government will have to consider the appointment of an additional Commissioner in order to enquire into and decide on appeals from chaukidars and dafadars.

In the second part of his amendment the Shah Saheb wants that the appeal to the Commissioner should go through the District Board. I do not see any point in this as the District Boards are not at all concerned with the chaukidars or the chaukidari budget. I therefore strongly oppose this amendment.

Maulvi ASIMUDDIN AHAMAD spoke in Bengali. The English translation of which is as follows:—

"It is the villagers who pay the Chaukidars and Dafadars. The President and the members of the Union Boards are elected by them and they have certainly a better claim to judge of the welfare of their constituencies than the District Magistrate or the Commissioner. It is their duty to appoint suitable men as Chaukidars from amongst them and the interference of the Magistrate or the Commissioner is unnecessary and unjustifiable. Shah Sahib said before this that the appointment of Chaukidars and Dafadars should be approved of by the District Board. It may also hear their appeals. It is absurd that the power of appointment and dismissal should remain with men who neither pay nor know anything about the local condition. If Government really want that the Union Boards should do substantial work, their Presidents and members should be given more powers. They should have full power to appoint and dismiss Chaukidars and Dafadars."

The following motion was then put and lost:—

"That in clause 2 to proposed section 20 the following be added, namely:—

'Provided that before a dafadar or a chaukidar is removed by Union Board from his post, he shall be given an opportunity to submit a written explanation to the District Magistrate, about the charges made against him.

'Provided also that an appeal shall lie to the Commissioner of the Division direct or through the District Board against any such order of removal within 60 days from the date of the final order .' "

Mr. PRESIDENT: The question is that clause 2, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Mr. PRESIDENT: I would request you, Mr. Sasmal, to move both of your motions together, but I would put them to the vote separately.

Mr. B. N. SASMAL: I beg to move that for clause 3, the following be substituted, namely:—

"3. For sub-section (*1*) of section 21 of the said Act, the following shall be substituted, namely:—

'(*1*) The number of dafadars and chaukidars to be employed in a Union, the salary to be paid to them, and the nature and the cost of the equipment shall be determined from time to time by the Union Board.

Notwithstanding anything contained in this sub-section, the number of dafadars and chaukidars employed in a Union, the salary to be paid to them and the cost of their equipment shall continue to be the same as on the day on which the Bengal Village Self-Government (Amendment) Act, 1925, comes into operation until altered under the provisions of this sub-section.' "

I also beg to move that for clause 3 the following be substituted, namely:—

"3. In section 21 of the said Act—

(*1*) For sub-section (*1*) the following shall be substituted, namely:—

'(*1*) The number of dafadars and chaukidars to be employed in a Union and the salary to be paid to them shall be determined from time to time by the Union Board.

(*2*) The nature and cost of equipment of dafadars and chaukidars shall be determined from time to time by the Union Board after consulting the District Magistrate, with a view to maintain uniformity of their uniforms.

(*3*) Notwithstanding anything contained in sub-section (*1*), the number of dafadars and chaukidars employed in a Union existing at the commencement of the Bengal Village Self-Government (Amendment) Act, 1925, and the salaries to be paid to them shall continue to be the same as on that date, until altered under the provisions of sub-section (*1*)'.

(*2*) The existing sub-section (*2*) shall be renumbered as sub-section (*4*)."

The points that are involved in these amendments are old points. I have taken the words " subject to the approval of the District Magistrate " from clause 1 of the proposed section 21 of the Act; and over and above that I have also taken out the proviso to sub-section (*1*) of the proposed section 21. I have further taken out sub-section (*2*). So far as the first portion of my amendment is concerned 2 and 3 are substantially the same. I have nothing to say with regard to the words " subject to the approval of the District Magistrate " because I think I have already said enough on this point. With regard to sub-section (*1*) of section 21, which refers to the cost and nature of the equipment of dafadars and chaukidars I have made a distinction, but in the first amendment I have made no distinction; in the second amendment I have suggested that the nature and cost of equipment of dafadars and chaukidars shall be determined by the Union Board after consulting the District Magistrate with a view to maintain uniformity of their uniform. I find that in the Select Committee there was some discussion about this and probably a majority of the committee felt some difficulty over the uniforms. They were afraid that if uniformity of uniform was not maintained throughout Bengal it is possible that Union Boards will have different uniforms. So to meet that argument, I have in my second amendment put the words " the nature and cost of equipment of dafadars and chaukidars ought to be determined by the Union Board after consulting the District Magistrate with a view to maintain uniformity of uniforms ". So that argument has been met. As regards the other point, the words " subject to the approval of the District Magistrate " I have said enough. With regard to the proviso it falls through, because I am opposed to the words. With these words, I commend my motions to the acceptance of the House.

Babu AMULYA DHONE ADDY: I beg to oppose both the amendments. Sir, it appear from the Bill, as amended by the Committee, that the nature and cost of equipment of dafadars and chaukidars shall be determined by the District Magistrate after consulting the views of the Union Board. My hon'ble friend's suggestion is that it should be determined by the Union Board after consultation with the District Magistrate with a view to maintain uniformity of their uniforms. Sir, I think the suggestion of the Select Committee appears to be a reasonable one, and they have practically come to the decision unanimously because out of 13 members only 3 members have dissented. It appears from the report itself that the Select Committee consider that uniformity is desirable, that this can best be secured by the system at present in force, that the determination of the nature of the uniform appears to be a matter which can best be left to executive officers and that they are of opinion that it is impracticable to separate the cost of equipment from the nature of equipment since the one in effect determines the other. In these circumstances, I submit that the District Magistrate should have some control over the matter referred to therein.

Rai HARENDRANATH CHAUDHURI: Sir, I rise to say that I prefer to accept amendment No. 5O, which has been moved by Mr. Sasmal, but not 5P. 5O simply differs from the amendment No. 5Q, standing in my name, in this respect that it does not make any mention of the approval of the District Magistrate. Otherwise Mr. Sasmal's amendment and the effect of my amendment 5Q will be practically the same. Both these amendments propose —

Mr. PRESIDENT: We are not dealing with 5Q but we are dealing only with 5O and 5P and you should confine your remarks to those amendments only.

Rai HARENDRANATH CHAUDHURI: I am not discussing 5Q I am only pointing out that Mr. Sasmal's amendment 5O is similar to the amendment that will be suggested by me later on. The only difference is this: that Mr. Sasmal's amendment makes no mention of the approval of the District Magistrate. The proposal however is that like the salary of chaukidars and dafadars, the cost of equipment of the village police should also be determined in the first and the last instance by the Union Boards and the Union Boards only. There I agree with Mr. Sasmal. That was also the position under the Act of 1870. I think that even in the present circumstances it is absolutely necessary that the cost should be determined by the Union Boards and not by the District Magistrate and why it is necessary will be apparent

to all if I simply quote here section 37 of the Act of 1919. Section 37 of the Act says:

"The Union Board shall impose yearly on the owners or occupiers of buildings, within the Union, a rate amounting to—

(a) the sum required, after deduction of the contribution, if any, made by the local Government in this behalf, for the salaries and equipment of the dafadars and chaukidars and the salaries of the establishment of the Union Board."

Thus it will be seen that like the salaries of chaukidars and dafadars the cost of their equipment is also the first charge on the Union fund. So I do not think that it will be advisable for the members of this Council to follow the statement that has been made in the general report of the Select Committee and I think it is not the correct expression to say that the cost of equipment is after all a small sum or an unimportant matter. Small or big this sum has got to be found by the representatives of the villagers by taxing the villagers and if the villagers have got to find out the money why should they not have a predominant voice in the matter of the determination of the cost of equipment of the chaukidars. It is only fair that they should have that right. Of course they can exercise that right with or without the subsequent approval of the District Magistrate. As to the apprehension that found expression in the Select Committee regarding the uniformity of the uniforms, I think there can possibly be no ground for such apprehension if the Government accepts Mr. Sasmal's other amendment; because in that case the District Magistrate will have a voice in the matter of the determination of the cost of equipment of chaukidars and the District Magistrate will be competent to suggest what should be the nature of the uniforms and what cost should be incurred over those uniforms.

With these remarks I beg to support the amendment moved by Mr. Sasmal.

Babu KHAGENDRA NATH GANGULY: Sir, this amendment involves the same question which has been ably threshed out by Mr. Sasmal and Babu Akhil Chandra Datta regarding the powers of the District Magistrates and responsibilities of Union Boards. The whole point was this: whether the chaukidars and dafadars should be appointed and their salaries fixed by the District Magistrate or by the Union Boards. Now a curious anomaly has arisen. So far as the power of appointment goes it rests with the Union Boards unfettered; but the power of dismissal rests with the District Magistrate. This anomalous position has been brought about by the tyranny of the majority. Mr. Sasmal's present amendment goes to the very root of the matter. It suggests that, like the question of appointment, the salaries of chaukidars and dafadars and the cost of their equipment should also be in the entire control of Union Boards. This involves a question of

principle regarding which we have expressed our views and I say that this amendment, if carried, will do away with the previous anomalous position and will strengthen the hands of the Union Boards in the performance of their routine duties.

Babu AKHIL CHANDRA DATTA: I rise to say one word about this question. It appears to me that all the trouble about this uniformity of the uniforms is more imaginary than real We know that there is a rule about vakils' gowns—advocates' gowns and Council gowns. But there is no trouble about that. There is uniformity although the High Court and the Government never think of interfering as to the cost of those gowns. It is not really necessary that, in order to secure uniformity of uniforms, there should be any interference by the District Magistrate about the cost of equipment.

Babu BORODA PROSAD DEY: Sir, if I propose to speak a few words in regard to this motion, it is only because I happen to know something about a certain Union Board in which the Board proposed to maintain a certain number of chaukidars and they wanted to reduce the original number. Their proposal was supported by the much-abused Circle Officer and even by the Subdivisional Officer but when the question was placed before the District Magistrate the first thing the District Magistrate told the Union Board President was that he should consult the District Superintendent of Police in the matter. The District Superintendent of Police having set his face against the reduction, the reduction was not effected, although as I have said the Circle Officer and the Subdivisional Officer were in favour of it. So, Sir, it means this: that even the District Magistrate's approval means as to how the matter is looked upon by the Police authorities in the district. In this way Union Boards, which are a representative body, and which are, as has been admitted by Government in their own literature, the fountain source of local self-government, of which the summit is to be seen in the Council Chamber—the Union Boards may be deprived of their self-governing power, at the sweet will of the Police, and the approval of even the Magistrate is reduced to this. It is to the interest of the Boards to maintain chaukidars, and their own properties and persons have got to be protected by these chaukidars. So it will be their own personal interest to see that a proper number of chaukidars is maintained and a proper salary is paid to them, and it is only proper that they should be the final authority in this matter.

As regards the equipment, it is curious to think that they will have to pay the cost of these uniforms out of the money realised by them from the people, and yet they will not have any voice in the matter, and the District Magistrate alone will have the power of determining

the nature and the cost of the equipment. That is certainly an anamolous position which I think no Legislative Assembly should countenance. As has been said that those who pay for the piper should have the right to call for the tune. The same principle ought to apply in this case especially in a representative body like the Union Board. I therefore think, Sir, that Mr. Sasmal's motion ought to be accepted by this House.

Mr. A. C. BANERJEE: In this matter I do not understand why there should be any opposition on the part of the Government to the amendment proposed by Mr. Sasmal. It is an innocent amendment. It means that those who pay the piper should have the right to call the tune. It means in other words the recognition of the popular voice. Perhaps that is the reason why there is this objection. Otherwise there can be none. That has been always the attitude of the bureaucracy. The people must find money for the salary and for the equipment of these chaukidars and yet those people shall not have the right to say "Look here: I must cut my coat according to the cloth—I cannot afford to pay so much for equipment: I must pay something less". They shall not have the right to do so. So far as these uniforms are concerned, what does it matter whether there is uniformity or not. Here we have members of Government. We find them coming here with Fez, felt hat, frock coats and lounge suits of variegated colours and different cuts. Do you think that the Governor will be justified in saying that all the members of Government should wear a uniform dress and have it made from a particular tailor. You have got your Army and regiments wearing different uniforms. So what does it matter if each Union Board is permitted to provide for its chaukidars such uniforms as it likes and can afford; and in this matter the Union Board should not be dictated to by the Magistrate. But what the Magistrate says is this—"Look here, it does not matter whether your income is Rs. 1,000 or Rs. 10,000, it makes no difference to me, you must spend so much on uniforms of chaukidars for the sake of uniformity". Is that reasonable? You spend the bigger portion of your income on chaukidars' salary and their equipment. Very little is left for the improvement of the areas in Union Boards, and yet when the Union Board comes and tells you—"Look here, we can manage our affairs much more cheaply: we do not want all these expenses: give us the liberty to manage our own affairs according to our resources," then you will say "We won't give that power". Is that reasonable? I am appealing to the other side of the House, and I hope the members on that side—although it is hoping against hope—will for once listen to reason. Here are these poor Union Boards struggling to do what they can to improve their areas. The Magistrate says "I do not care what you do but you must spend so much on uniforms". Is that reasonable? In no other country where the

governing body lays any claim to civilisation can such a thing be tolerated for one moment. It is only here that everything however preprosterous is possible. I hope the other side of the House will listen to reasons for once in their life and support Mr. Sasmal.

Mr. J. C. DRUMMOND: I shall deal first with the part of the amendment concerning the number of dafadars and chaukidars. Government realise that it is perfectly reasonable for Union Boards to wish to determine themselves as to the number of chaukidars and dafadars they would employ. I would ask the Council to compare the provisions in the Village Self-Government Act with the amendment proposed by the Select Committee. Under the Act as it stands the District Magistrate decides the number of chaukidars and the salaries to be paid to them after considering the wishes of the Union Board; but it is now proposed that the Union Board should determine the number of dafadars and chaukidars and the salaries to be paid to them with the approval of the District Magistrate. This is a very different system indeed. The popular voice mentioned by Mr. A. C. Banerjee has been heard in the Select Committee. The scales have been tipped in favour of autonomy and the initiative now rests with the Union Board. As the Hon'ble Member mentioned in dealing with one of the other amendments, the chaukidars have other work to do besides the work of village watch and ward and serving under the Union Board. They have also important duties in connection with the suppression and detection of crime. The Union Board may be able to decide on the number of chaukidars that are needed for the Union Board work, but they are hardly competent to determine how many chaukidars are needed for the duties mentioned in section 23 of the Village Self-Government Act in connection with the detection and suppression of crime. Mr. Boroda Prosad Dey mentioned a case in which the Circle Officer and the Subdivisional Officer recommended a reduction in the number of chaukidars, but this was opposed by the Superintendent of Police. It is inevitable that the Superintendent of Police should be consulted in such matters: he is immediately responsible for the peace of the district, although ultimately this responsibility rests with the District Magistrate, and it is for the District Magistrate to decide on the question finally after weighing all opposing views.

Then as regards the salaries of the chaukidars. Mr. A. C. Banerjee mentioned that in his Union Board the District Magistrate confirms the action of the Board in the matter of the appointment of chaukidars. If he goes to other districts he will find the same principle operating. The District Magistrate does not reject the Union Board's recommendation without very strong reason. As regards the point raised by Mr. Banerjee that as the Union Boards have to find the money, it is only right that they should have the chief say as to the amount of

salary, and that he had no trouble with the District Magistrate, I submit that all Presidents are not like Mr. Banerjee. Some of them are uneducated with no knowledge of public affairs, and sometimes if they are given complete liberty in this matter, the freedom given to them might go to their heads. Therefore, there must be some safeguard by placing the ultimate responsibility on the District Magistrate. Something was said about there being two parties in Union Boards, one striving for liberty and the other showing subserviency to Government.

Mr. A. C. BANERJEE: On a point of order, Sir, does this arise in this connection?

Mr. PRESIDENT: Go on, Mr. Drummond.

Mr. J. C. DRUMMOND: This was said in connection with the number and salaries of chaukidars. All with experience of village administration know that politics hardly enter into the deliberations of Union Boards, who are chiefly concerned with excavation of tanks or the construction of roads and such other things.

Then I come to the question of equipment. As noticed by the Select Committee, there should be some uniformity in the matter of equipment. Mr. Banerjee mentioned the analogy of the members of the Legislative Council. It is not necessary that a member of the Legislative Council should be recognised, but it is necessary that a chaukidar should be recognisable. He must be recognised by the villagers as a chaukidar when he goes to the village to help the Sub-Inspector of Police in conducting investigation. He must be recognizable when he goes to give evidence in Court. As in the case of the number and salaries of chaukidars, the District Magistrate should also have the power to decide on the question of equipment. Another reason is that these uniforms are obtained from certain Central Jails where they are made on a large scale, and as these are produced by jail labour, it is possible to get them at a low rate, up to a certain standard, and under a system of regular supply. If this system were done away with, it will disorganise the manufacturing department of these jails, and some notice will have to be given to them. Mr. A. C. Banerjee has drawn a pitiable picture of Union Boards being unable to meet the needs of the villagers on account of the heavy cost of uniforms, but I would point out here that the cost of uniform for each chaukidar comes to Rs. 3-14 per annum. I think that is certainly not a heavy burden on the villagers. On these grounds I oppose the amendment.

The motion that for clause 3, the following be substituted, namely:—

"3. For sub-section (*1*) of section 21 of the said Act, the following shall be substituted, namely:—

'(*1*) The number of dafadars and chaukidars to be employed in a Union, the salary to be paid to them, and the nature and the cost of the equipment shall be determined from time to time by the Union Board.

Notwithstanding anything contained in this sub-section, the number of dafadars and chaukidars employed in a Union, the salary to be paid to them and the cost of their equipment shall continue to be the same as on the day on which the Bengal Village Self-Government (Amendment) Act, 1925, comes into operation until altered under the provisions of this sub-section,"

was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Remes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Bonada Prasad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Maulvi A. K. Fazl-ul.
Huq, Mr. Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Mabi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Satcawripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Haliniranjan.
Sasmal, Mr. B. N.
Singha, Mr. Arun Chandra.
Suhrawardy, Mr. H. S.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.

Drummond, Mr. J. G.
Dutt, Mr. G. S.
Ferrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
Jennaway, Mr. J. H.
Liddell, Mr. N. C.
Lindsay, Mr. J. H.
Mitter, Sir Prevash Chunder.
Morene, Dr. H. W. B.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaja Kumar Sris Chandra.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Snaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Villiers, Mr. E.
Woodhead, Mr. J. A.

The Ayes being 52 and the Noes 47 the motion was carried.

The following motion was not put as it was covered by the foregoing decision of the Council:—

"That for clause 3 the following be substituted, namely:—

3. In section 21 of the said Act—

(1) For sub-section (1) the following shall be substituted, namely:—

'(1) The number of dafadars and chaukidars to be employed in a Union and the salary to be paid to them shall be determined from time to time by the Union Board.

(2) The nature and cost of equipment of dafadars and chaukidars shall be determined from time to time by the Union Board after consulting the District Magistrate, with a view to maintain uniformity of their uniforms.

(3) Notwithstanding anything contained in sub-section (1), the number of dafadars and chaukidars employed in a Union existing at the commencement of the Bengal Village Self-Government (Amendment) Act, 1925, and the salaries to be paid to them shall continue to be the same as on that date, until altered under the provisions of sub-section (1)'.

(2) The existing sub-section (2) shall be renumbered as sub-section (4)."

Adjournment.

The Council was then adjourned till 3 P.M. on Wednesday, the 17th February, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 17th February, 1926, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council, and 120 nominated and elected members.

Letter from Lt. Bijoy Prosad Singh Roy.

Mr. PRESIDENT: The Secretary to the Council has received the following letter:—

"15, LANSDOWNE ROAD,
CALCUTTA.

Dated the 7th February, 1926.

DEAR SIR,

I am deeply touched by the Council's kind message of sympathy to us on the death of my beloved grandfather RAI Lalitmohan Singh Roy Bahadur of Chakdighi, on the 20th November last. May I request you to kindly convey to the Hon'ble President and to the Council through him our grateful thanks for their kind sympathy with us in our bereavement, and for their appreciation of the public services of my grandfather.

Yours faithfully,

(Sd.) BIJOY PROSAD SINGH ROY.

Starred Questions

(to which oral answers were given).

Assault by constables on Tramway men at Kalighat Depôt.

***XXXII. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state how many constables were sent up for trial for having assaulted the Tramway men at the Kalighat Depôt last April?

(*b*) Under what section of the Indian Penal Code were they tried?

(*c*) What is the result of the case?

(*d*) Were the constables defended?

(*e*) Who paid for their defence (if any)?

(*f*) Are the Government considering the desirability of publishing the judgment?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) Six constables.

(*b*) Section 147, Indian Penal Code.

(*c*) One constable was discharged. Five constables were fined Rs. 40 each.

(*d*) Yes.

(*e*) They paid for their own defence.

(*f*) A copy of the judgment is laid on the library table.

Mr. S. N. HALDAR: I want to know if these constables who have been fined are still retained in service.

The Hon'ble Sir HUGH STEPHENSON: Yes, they are.

Mr. S. N. HALDAR: Are they all of the same grade?

The Hon'ble Sir HUGH STEPHENSON: I must ask for notice of this.

Mr. S .N. HALDAR: Why has the Government kept these men in service in spite of their conviction?

The Hon'ble Sir HUGH STEPHENSON: The Commissioner of Police considered that after the trial and conviction of these men it was unnecessary to draw up departmental proceedings against them.

Mr. KIRAN SANKAR ROY: May I ask, Sir, if they have been permittted——

Mr. PRESIDENT: Does this really arise, Mr. Roy, out of the present question?

Mr. KIRAN SANKAR ROY: As far as I can understand——

Mr. PRESIDENT: Next question.

Permission to special class prisoners to perform Swaraswati Puja.

***XXXIII. Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that the Inspector-General of Prisons, Bengal, has given permission to the special class prisoners to perform the Swaraswati Puja?

(*b*) If so, was any money paid to them for meeting the necessary expenses?

(*c*) If the answer to (*b*) is in the negative, are the Government considering the desirability of paying the expenses in future?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Hugh Stephenson): (*a*) He gave permission to two special class prisoners in the Rajshahi Central Jail to celebrate the Puja.

(*b*) No.

(*c*) No.

Daily searches of State prisoners and détenus.

***XXXIV. Babu NALINIRANJAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the State prisoners and détenus in the Mandalay, Midnapore, Alipore and Berhampore Jails have to undergo a process of daily search?

(*b*) Is it a fact that the Governments of Madras and Central Provinces have been instructed by the Government of Bengal to arrange these daily searches of Bengali State prisoners and détenus now located in the Madras and Central Provinces Jails?

(*c*) If the anwer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reason which led the Government of Bengal to issue this special instruction?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) In Bengal Jails, daily search of State prisoners and detenus and their cells is prescribed by rule.

Whether or not this rule is followed in other provinces depends on the discretion of the local Government concerned.

(*b*) No. The Government of Bengal have merely forwarded to the Governments of Madras and the Central Provinces copies of the rules current in Bengal regarding State prisoners and détenus, and have suggested that the rules might be followed in other provinces, in order to secure uniformity in the treatment of such prisoners.

(*c*) Does not arise.

Unstarred Questions

(answers to which were laid on the table).

Rules regarding the appointment of Muhammadans to Government posts.

22. Babu AMULYA DHONE ADDY: Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a copy of the Rules regarding the appointment of Muhammadans in the various departments of the Government?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): The following are placed on the library table:—

(*i*) Rules for the appointment of candidates to the Bengal Civil Service, Bengal Provincial Service, Bengal Judicial Civil Service, Subordinate Excise Services, Upper Division of the Secretariat, and posts of Income Tax officers. Rule 4 lays down the proportion of Muhammadan appointments.

(*ii*) Communiqué dated the 21st December, 1925, which modifies rule 4 of these rules so far as it applies to the Bengal Civil Service, Bengal Judicial Civil Service, and Bengal Excise Service, and lays down the policy of Government as regards the technical services.

(*iii*) An extract from P. R. B., III, rule 24 (7), which lays down the proportion of appointments to the posts of Sub-Inspectors in the Bengal Police.

(*iv*) An extract from Secretariat Instructions, section 47, which prescribes the proportion of appointments in the lower division of the ministerial appointments of the Secretariat.

Rules for the remaining services cannot be placed on the table because there are no published rules in these cases.

For Ministerial posts in the districts (except Darjeeling and the districts of the Burdwan Division) a minimum of one-third Muhammadans is prescribed.

Babu AMULYA DHONE ADDY: May I ask the proportion of Muhammadans appointed in the service referred to in paragraphs (*i*), (*ii*) and (*iv*) respectively?

Mr. PRESIDENT: Don't you think that is abusing the right of asking supplementary questions by putting a question like that? Is the Hon'ble Member capable of answering offhand in regard to the proportion asked for?

Babu AMULYA DHONE ADDY: May I know the principle under which these proportions have been fixed, whether in accordance with population or whether in accordance with——

Mr. PRESIDENT: Order, order: that is again an abuse of the right of questioning in this sense that it involves questions of principle which can be better dealt with in a debate than in a reply.

Maulvi ABDUL QUADER: Will the Hon'ble Member direct that the rules for the——

Mr. PRESIDENT: That is a request for action and not a supplementary question.

Maulvi ABDUL QUADER: Will Government be pleased to have the rules for the remaining services published, except for those in (*i*) (*ii*) and (*iv*)?

The Hon'ble Sir HUGH STEPHENSON: That is also a request for action, I think, but I think all the information that the Hon'ble Member really requires is in the answer if he will refer to it.

Maulvi ABDUL QUADER: The rules for the remaining services should be placed——

Mr. PRESIDENT: There can be no discussion during questions.

Maulvi ABDUL QUADER: Will the Hon'ble Member be pleased to state if Government contemplates any increase in the percentage of Muhammadans in the case of ministerial posts?

The Hon'ble Sir HUGH STEPHENSON: I have nothing more to add to what I have said.

Maulvi ABDUL QUADER: Will the Hon'ble Member kindly state whether Government contemplate any increase in the percentage of appointments in the case of ministerial posts?

The Hon'ble Sir HUGH STEPHENSON: Not at present. The matter is still under consideration.

Mr. A. C. BANERJEE: May I know if any qualifications have been prescribed in the matter of these appointments, and are the qualifications the same as those in the case of Muhammadans and others?

The Hon'ble Sir HUGH STEPHENSON: Where qualifications are prescribed for an appointment they are required from all candidates of whatever denomination.

Babu AMULYA DHONE ADDY: Will the Hon'ble Member be pleased to state whether the appointment of Muhammadan candidates under these rules has seriously affected the efficiency of the Government service?

Mr. PRESIDENT: That is a matter of opinion; we cannot ask Government to express any opinions.

Maulvi A. K. FAZL-UL-HUQ: Will the Hon'ble Member be pleased to state whether any appointments have really been made according to the rules that have been laid down?

The Hon'ble Sir HUGH STEPHENSON: If the hon'ble member would read the *communiqué* published by Government, he will see that the alterations under the rules will have effect after the examination held last September; therefore the appointments made after that examination will not be made in accordance with the new rules, but in accordance with the old rules.

Maulvi A. K. FAZL-UL-HUQ: Is it not a fact that these rules were laid down to put a stop to criticism, and are observed more in the breach than in the observance?

Mr. PRESIDENT: Order, order: that is a matter of opinion. Next question, please, we have had a sufficient number of supplementary questions.

Calcutta Madrassah Committee.

23. Maulvi SAYYED SULTAN ALI: Will the Hon'ble Member in charge of the Department of Education be pleased to state what action, if any, has been or is proposed to be taken on the recommendations of the Calcutta Madrassah Committee of 1914—specially with regard to the construction of a new school building for the Anglo-Persian Department of the Calcutta Madrassah?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. J. DONALD): The Calcutta Madrassah Committee was appointed in February, 1921, and submitted its report in 1922. Government are considering the recommendations of the Committee, but no final decisions have yet been reached.

Maulvi SAYYED SULTAN ALI: In view of the answer given to No. 23, will the Hon'ble Member be pleased to state how many years more are likely to be required to come to a decision on this subject? Four years have already elapsed.

The Hon'ble Mr. J. DONALD: I am unable to say.

Police Administration Committee's Report.

24. Babu BORODA PROSAD DEY: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether any action was taken upon the report of the Police Retrenchment Committee, appointed about three years ago, of which Rai Mahendra Chandra Mitra Bahadur, of Hooghly, was a member?

(*b*) What sum of money was proposed to be saved by the said report?

(*c*) How much was actually saved?

(*d*) Is any further action contemplated upon the said report?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*d*) The member is presumably referring to the Committee appointed in September, 1921, to enquire into and report on the administration of the police in Bengal. Some material was collected for the Committee, but it ceased to function after the appointment of the Bengal Retrenchment Committee in June, 1922. The Committee referred to submitted no report, but a statement of the action taken on the recommendations of the Bengal Retrenchment Committee was printed and circulated to members of the Legislative Council in 1924.

Reorganization of Jail establishments.

25. Mr. MAHBUBUL HUQ: (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Jails) aware of a feeling of discontent amongst the jail officers over the recent reorganization of clerical and executive establishments in the Jails Department?

(*b*) Is it a fact that in selecting the Deputy Jailors, many of the senior Assistant Jailors having 10 to 18 years' service have been superseded by their juniors having 4 to 6 years' service only?

(*c*) Is it a fact that in many cases the senior Assistant Jailors who fulfilled all the conditions governing selection as laid down in Government letter No. 12040 R.J., dated the 30th November, 1925, to the Inspector-General of Prisons, Bengal, were superseded by their juniors, though not so qualified as required?

(*d*) Is it a fact that some graduate Assistant Jailors have been superseded by their juniors, who are only Matriculates?

(*e*) Is it a fact that some of the senior Assistant Jailors who have got a very good record of services have been superseded by their juniors, who have got many bad remarks against them?

(*g*) Is it a fact that these five graduate Assistant Jailors have been designated as Jail clerks, though other Assistant Jailors who have not been promoted to the rank of Deputy Jailor have been allowed to retain their designation as Assistant Jailors?

(*h*) Is it a fact that these five graduate Assistant Jailors (now made clerks) were never told or given to understand either at the time of their appointment as Assistant Jailors or at the time of their confirmation as Assistant Jailors that their services might ever be converted to those of clerks?

(*i*) If the answer to (*h*) is in the negative, will the Hon'ble Member be pleased to lay on the table a copy of the evidence, if any, in order to show that any of the graduate Assistant Jailors was so told?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Memorials have been received.

(*b*) Some officers have been passed over.

(*c*) and (*e*) This is a question of opinion. The selections were made by a Committee consisting of the Inspection-General of Prisons and the Superintendents of the Presidency and Alipore Central Jails.

(*d*) One graduate officer has been superseded by one officer who is not a graduate.

(*g*), (*h*) and (*i*) The replies given to the question asked by Dr. Kumud Sankar Ray at this meeting may be seen.

Babu BIJAY KRISHNA BOSE: With reference to the answer to (*a*) may I ask the Hon'ble Member if any action has been taken on these memorials?

The Hon'ble Sir HUGH STEPHENSON: They are still under examination.

Babu BIJAY KRISHNA BOSE: With reference to answer (*b*) the answer is that some officers have been passed over; may I know the reason why they have been passed over?

The Hon'ble Sir HUGH STEPHENSON: They were not considered suitable for the post of Deputy Jailor.

Babu BIJAY KRISHNA BOSE: May I know how many of these have been passed over?

The Hon'ble Sir HUGH STEPHENSON: I don't know; I must ask for notice of this; I cannot answer offhand.

Babu BIJAY KRISHNA BOSE: With reference to answers (*c*) and (*e*) "this is a question of opinion"; I want to know——

The PRESIDENT: I cannot permit you to enter into an argument. Please take your seat when I am standing. I cannot permit any further questions.

Babu BIJAY KRISHNA BOSE: I want to know whether it is a fact whether these Assistant Jailors have fulfilled these conditions laid down in this Government's letter have been passed over?

Mr. PRESIDENT: Is that question intelligible to the Hon'ble Member?

The Hon'ble Sir HUGH STEPHENSON: No; it is not intelligible.

Mr. PRESIDENT: It is not intelligible either to me or to the Government Member.

Babu BIJAY KRISHNA BOSE: Is it a fact that these Assistant Jailors have fulfilled the conditions laid down in the Government letter? I want to know if it is a fact, the answer is that it is a question of opinion.

Mr. PRESIDENT: The Hon'ble Member says that the question is not intelligible to him. Next question.

Babu BIJAY KRISHNA BOSE: But I have not finished.

Mr. PRESIDENT: I am sorry, Mr. Bose.

Babu BIJAY KRISHNA BOSE: But I am still on my legs, Sir.

Selection of Deputy Jailors.

26. Mr. MAHBUBUL HUQ: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether it was not one of the recommendations of the Indian Jails Committee, 1919-20, that men of good educational qualifications will be made Deputy Jailors?

(*b*) Will the Hon'ble Member be pleased to state under what cir cumstances only two out of eight graduate Assistant Jailors have bee selected as Deputy Jailors?

(*c*) Was there any definite instruction from the Government o Bengal that none of those who entered the Jail Department as Assistan Jailors after 31st December, 1921, would be selected as Deputy Jailors

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Mem ber be pleased to lay on the table a copy of such instruction?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) In making the selections the Inspector-General of Prisons wa instructed to consider experience and other matters as well as educa tional qualifications. The eight graduates are all comparatively junio officers.

(*c*) and (*d*) A copy of the instructions given to the Inspector-Genera of Prisons has been laid on the table in reply to the question asked b Dr. Kumud Sankar Ray.

Reorganization of Jail establishments.

27. Dr. KUMUD SANKAR RAY: (*a*) Will the Hon'ble Membe in charge of the Department of Revenue (Jails) be pleased to stat whether it is a fact that out of the six persons appointed Deput Jailors from among 22 Muhammadan Assistant Jailors on the 1st Apri 1925, none are graduates?

(*b*) Is it a fact that there were three graduates among those Assistan Jailors?

(*c*) If so, will the Hon'ble Member be pleased to state why th claims of the three graduate Assistant Jailors were superseded?

(*d*) Is it a fact that the cases of these three Muhammadan gradu ates were not even put before the selecting officer for his consider ation whether they were fit for the posts of Deputy Jailors?

(*e*) If not, will the Hon'ble Member be pleased to state whether th Inspector-General of Prisons has, in reply to a petition of a Muham madan graduate, Abdus Shoker, now a clerk, said that he was not eligibl for promotion to the rank of Deputy Jailor?

(*f*) Were these Muhammadan graduates ever told either at the tim of their appointment as Assistant Jailors or at the time of their confirm ation as Assistant Jailors in the Executive staff, that their services migh be converted to those of clerks if any reorganization took place in th Jail Department?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the order or circular?

(*h*) Did the Government of Bengal issue any instructions to the Inspector-General of Prisons, Bengal, that none of those Muhammadan graduates who entered the Jail Department as Assistant Jailors in the Executive staff after 31st December, 1921, would be selected as Deputy Jailors?

(*i*) If the answer to (*h*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of such instructions?

(*j*) Will the Hon'ble Member be pleased to state whether the opinion of the immediate authorities, as for instance that of the Superintendent of Jails, was invited and considered while selecting the Deputy Jailors?

(*k*) If so, will the Hon'ble Member be pleased to lay on the table copies of Superintendents' opinion about the graduate Assistant Jailors?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Yes.

(*c*) They were not superseded. No officer junior to them has been appointed a Deputy Jailor.

(*d*) Yes. The Inspector-General of Prisons reports that their names were not considered, as 33 officers were selected from Assistant Jailors senior to them.

(*e*) Yes.

(*f*) and (*g*) There is no record that they were so told, and no official order was issued; but the Inspector-General of Prisons was asked on the 6th December, 1921, to stop the recruiting of Assistant Jailors and to recruit only for the clerical service. In reply, he pointed out this could not be done until the clerical cadre had been sanctioned, but noted that while recruiting probationers in future, the candidates selected would be given to understand that their posts would be converted to those of jail clerks as soon as the clerical cadre had been sanctioned. It may therefore be presumed that the recruits were informed.

(*h*) There was no special order regarding the selection or non-selection of such Muhammadan graduates, but instructions were issued about Assistant Jailors recruited after the 1st January, 1922.

(*i*) A copy of the letter is laid on the table.

(*j*) Yes.

(*k*) Government are not prepared to publish the opinions of officers about their subordinates.

Letter No. 12040 R.J., dated Calcutta, the 30th November, 1925, from W. S. HOPKYNS, ESQ., O.B.E., I.C.S., *Secretary to the Government of Bengal, Revenue Department, to the Inspector-General of Prisons, Bengal, referred to in the reply to clause (i) of unstarred question No. 27.*

REORGANIZATION OF THE EXECUTIVE AND CLERICAL ESTABLISHMENTS IN THE JAILS DEPARTMENT.

I am directed by the Governor in Council to refer to your letters, noted below, regarding the reorganization of the executive and clerical establishments of the Jail Department in accordance with the recommendations of the Indian Jails Committee, 1919-20:—

No. 103, dated the 20th June, 1921.

No. 4215, dated the 14th March, 1924.

No. 315 D., dated the 29th September, 1924.

No. 375 D., dated the 30th May, 1925.

2. In reply, I am to say that Government have decided that the prison establishment in Bengal should be divided into two branches, executive and clerical, which should be separately recruited, and that the executive branch should be divided into the two classes of Jailors and Deputy Jailors. They sanction the following revised scales of pay for the two branches of the establishment:—

Executive staff.

Jailors.—Rupees 200—25/2—300—25—350, with one selection grade post on Rs. 400 per mensem, efficiency bar at Rs. 300 and duty allowance (special pay) for two Jailors at Rs. 100 each per mensem.

Deputy Jailors.—Rupees 100—10/2—150 per mensem with efficiency bar at Rs. 120.

Clerical staff.

Head clerks of the five existing Central Jails.—Rupees 100—10/2—150 per mensem.

Clerks of Jails (other than Sub-Jails).—Rupees 45—45—50—3—110—5—120 per mensem with efficiency bar at Rs. 80 and probationary period at Rs. 45.

3. There are at present two European Jailors, 24 Jailors and 77 Assistant Jailors in the Bengal Jail Department. The posts of these officers should be regraded into Jailors, Deputy Jailors and clerks and should be redistributed as shown below:—

Executive staff.

26 posts of Jailors.

33 posts of Deputy Jailors (including 7 for leave reserve)

Clerical staff.

44 posts of clerks.

103

The existing officers should be brought on to the revised scale of pay now sanctioned with effect from the 1st April 1925, and should be allowed to draw pay of the stage next above their present pay under rule 22 of the Fundamental Rules.

4. The selection grade post on Rs. 400 per mensem sanctioned for the Jailors should be given to the most efficient of the senior Jailors, and the Jailors of the Presidency and of the Alipore Central Jails should be allowed to draw the special pay (duty allowance) of Rs. 100 each per mensem referred to in paragraph 2 above. The following three officers will also continue to draw the existing allowances drawn by them as shown against their names:—

	Per mensem.	
	Rs.	A.
Jailor, Darjeeling Jail—Hill Allowance ...	25	0
Assistant (or Deputy) Jailor, Darjeeling Jail ...	40	0
Jailer, Barisal Jail—Conveyance allowance ...	8	8

5. The 33 posts of Deputy Jailors specified above should be filled by selection from amongst the existing Assistant Jailors and in making the selection educational qualifications, experience, ability, reliability of character and physical fitness should be taken into consideration. Asistant Jailors who are not selected for appointment as Deputy Jailors will be appointed to the clerical service, but under rule 23 of the Fundamental Rules, will remain on their existing incremental rate of pay, viz., Rs. 50—10/2—100 until they reach the maximum of the grade. Assistant Jailors recruited before the 1st January 1922 will be allowed to retain their present designation, but those recruited after that date will be called Jail clerks.

6. Appointments of Deputy Jailors will ordinarily be made b direct recruitment; but for the next ten years, *i.e.*, up to the 31s March, 1935, not more than two-thirds of the vacancies may be fille by promotion of Assistant Jailors, not less than one-third being fille by selection of outsiders. The minimum educational qualification required for candidates for direct appointment as Deputy Jailor shoul be that they have passed the I.A. or I.Sc. Examination of the Calcutt University or the Intermediate Examination of the Board of Secondar and Intermediate Education at Dacca, and for candidates for the cler cal service that they have passed the Matriculation Examination c the Calcutta University or of the Board of Secondary and Inte mediate Education at Dacca. Jail Code Rule 281 should be amende accordingly. Except as provided above the transfer of a Jail cler to the executive service will be made only in exceptional circumstance and will require the sanction of Government.

7. The extra cost required to give effect to the scheme during th current financial year will be met from the additional grant c Rs. 50,000 voted by the Bengal Legislative Council at the last Augu Session.

8. The Accountant-General, Bengal, has been informed.

NON-OFFICIAL BUSINESS.

Non-official Members' Bills.

The Bengal Village Self-Government (Amendment) Bill, 1925.

Clause 3.

The following amendments were not put as they were covered by for going decision of the Council:—

Rai HARENDRANATH CHAUDHURI to move that in the pro posed sub-section (*1*) of section 21, line 2, the word "and" b omitted and in line 3 after the word "then", the words "and th cost of their equipment" be inserted.

Mr. K. S. ROY to move that in clause 3, in the proposed sectio 21 (*1*), lines 4 to 8, the words beginning with "subject to the approv of the" and ending with the words "reasons for so doing" be omitted

Babu MANMOHAN NEOGI to move that in the proposed sul section (*2*) of section 21, lines 3 and 4, for the words "by the Di trict Magistrate after considering the views of the Union Board" th words "by the Union Board" be substituted.

Mr. K. S. ROY to move that in clause 3 in the proposed section 21 (*2*) for the words " by the District Magistrate after considering the views of the Union Board " the words " by the Union Board subject to the approval of the District Magistrate " shall be substituted.

Maulvi WAHED HOSSAIN to move that in clause 3 in the proposed section 21 (*2*)—

(*a*) in line 3, for the words " District Magistrate " the words " Union Board " be substituted; and

(*b*) in line 4, for the words " Union Board " the words " District Magistrate " be substituted.

Mr. PRESIDENT: The question is that clause 3 of the Bill, as amended stand part of the Bill.

The Hon'ble Sir HUGH STEPHENSON: On a point of order, Sir, are we not dealing with an amendment of the Standing Rules?

Mr. PRESIDENT: We will take that up after this Bill is over.

The motion being put, a division was taken with the following result :—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravarti, Mr. Byomkes.
Chakraverty, Babu Sudarsan.
Chatterjea, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Bereda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Hoque, Maulvi Sayedul.
Huq, Maulvi A. K. Fazl-ul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Tarakanath.
Neogi, Babu Manmohan.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Ray Choudhuri, Rai Bahadur Satyendra Nath.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Hemanta Kumar.
Sarkar, Maulvi Allah Bukhsh.
Sarkar, Babu Naliniranjan.
Sasmal, Mr. B. N.
Suhrawardy, Mr. H. S.
Taraftdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahsanullah, Mollah.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Doss, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Mitter, Sir Provash Chunder.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Raja Manilell Singh.
Skinner, Mr. S. A.
Snaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Villiers, Mr. E.
Wilson, Mr. R. B.
Woodhead, Mr. J. A.

The Ayes being 56 and the Noes 50, the motion was carried.

Mr. PRESIDENT: I now take up clause 1.

Rai HARENDRANATH CHAUDHURI: My amendment relates to the substitution of the figures "1926" for the figures "1925" as in the Bill.

Mr. PRESIDENT: Does anybody object to this formal amendment? [Pause.] As no objection has been taken you can now move your amendment.

Rai HARENDRANATH CHAUDHURI: I beg to move that in clause 1 for the figures "1925" the figures "1926", be substituted.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 1, as amended, stand part of the Bill.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I ask for a division.

Mr. PRESIDENT: Division, but it is a consequential amendment, Maharaja Bahadur.

Maulvi MD. NURUL HUQ CHAUDHURY: Sir, your, ruling was that when a member asked for a division he should stand up and call loudly for a division. In this case the Maharaja Bahadur has not done that, he simply stood up.

Mr. PRESIDENT: There was no need for so much heat, Maulvi Saheb.

The thing is that the Maharaja has a very low voice; he called for a division but I did not hear it; otherwise he had no business to stand up. When I inquired if he asked for a division I wanted to be sure. So I order a division.

A division was then taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Azimuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjea, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyad Abdur Rob.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Beroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Meque, Maulvi Sayedul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasshid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Masker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Babu Sateowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Hemanta Kumar.
Sarkar, Maulvi Allah Bukhsh.
Sarkar, Babu Nalinirenjan.
Sasmal, Mr. B. N.
Suhrawardy, Mr. H. S.
Taraidar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Ahsanullah, Mollah.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. N.
Coben, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Dess, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Izhirul.

Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Morene, Dr. H. W. B.
Mukerji, Mr. S. C.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Snaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Villiers, Mr. E.
Wilson, Mr. R. B.
Woodhead, Mr. J. A.

The Ayes being 57 and Noes 51, the motion was carried.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

Rai HARENDRANATH CHAUDHURI: I beg to move that the Bill, as settled in Council, be passed.

In placing this motion before the Council I should thank my hon'ble colleagues for the improvements they have effected in the Bill by their kind suggestions and solid support and what is more in spite of strenuous obstruction on the part of Government. I think the Bill as it now stands is quite in line with the original Chaukidari Act of 1870. I set out with a more limited object in view, namely, to bring the Village Self-Government Act in a line with the amended Chaukidari Act, *i.e.*, the Chaukidari Act as amended by the Acts of 1922 and 1923, but I think we have gone further and we have improved the Act so much now that we can say that the Bengal Village Self-Government Act of 1919 is now in a line with the original Act of 1870. Of course there is one important point in respect of which we have not been able to improve the Bill as much as we desired but I hope future legislators will remedy that defect and will bring that part into harmony with the other parts of the Bill. With these remarks I move my motion that the Bill be passed into law.

CHIEF SECRETARY (Mr. L. Birley): Now that the Council has to come to a decision as to whether the Bill as settled in Council shall be passed I think it would be well that members should consider what the results of this Bill as a whole are likely to be and whether it is really beneficial that this very important Act should be subject to constant attacks of small private Bills to which the Bengal Village Self-Government Act seems to be peculiarly liable. This Bill has dealt with five subjects: (*1*) appointment, (*2*) dismissal, (*3*), the number of chaukidars, (*4*) their salaries and (*5*) their equipment. The law as it stands about appointments is that the Union Board nominates and the

District Magistrate if satisfied appoints the man who is nominated. If he is not satisfied he may appoint another man.

As regards dismissal, under the Bill as it stands, the Union Board may dismiss a dafadar or chaukidar subject to the approval of the District Magistrate, and the District Magistrate may dismiss a dafadar or chaukidar for failure to carry out the duties entrusted to him. This is practically what is now in the Act. It will be observed that the effect of these two provisions as they now stand in the Bill is that the District Magistrate may dismiss a chaukidar, but the Union Board may at once proceed to appoint him and again the District Magistrate may dismiss him and the Union Board may again appoint him. I do not think the Council will consider this to be a desirable state of affairs.

Then, as to the number of chaukidars, their salaries and their equipment. Under the existing Act, the Magistrate, is to decide after consideration of the views of the Union Board. Under the Bill, as it stands, the number, salaries and the nature and cost of equipment are left to the unfettered discretion of the Union Boards. That is the position as it now stands in the Bill. Now, I am not so ignorant as to think that the working of the Village Self-Government Act at present is perfect; and apart from my own experience I am in constant communication with Mr. Hart, who during the past cold weather has been on special duty and has been specially considering many of the features in the working of this Act. Before Mr. Hart completes his special duty, he will place Government in possession of what, I believe, will be valuable suggestions for improving the working of the Act. Those who have known Mr. Hart in either the Burdwan or Dacca district will be able to judge whether the proposals which Mr. Hart will make are likely to commend themselves to the members of the Union Boards. When there is a minister in charge of the Local Self-Government Department, Mr. Hart's suggestions will be available to him, if the minister wishes to amend the Act. Apart from an amendment of the Act, an important part of the working of the Act consists in the rules. Mr. Hart has brought to my notice some points in which the rules in his opinion and in mine are not what they should be. There is now under issue, or it has possibly been already published for criticism, a draft rule about the duties of dafadars which after consideration by the public, if finally approved by the Government, will have the effect of giving considerably more control over the dafadars to the Union Boards than exists under the present rules. I venture to think if that rule is passed, in the general opinion of the Union Boards, the value of that rule will be greater than anything that is contained in the present Bill.

On the subject of appointments, Mr. Hart has told me that when a nominee is rejected by the District Magistrate, perhaps on some good grounds of which the Union Board may not be aware, and then the District Magistrate appoints another in his place, the Union Board

would like to have an opportunity of considering the person who is to be appointed before the District Magistrate appoints him. I am quite sure that the Union Boards would like to have this opportunity and it seems to me to be quite reasonable. I propose to take steps for affording the Union Boards such an opportunity.

Again, on the subject of equipment, I have heard from Mr. Hart that there have been complaints about the delay in supplying uniforms, and there have been complaints about its quality. Mr. Hart and I are taking steps which, we hope, will result in improvement. But, on the subject of equipment, I think there are two points which the Council should very carefully consider. The first is that the dafadars and chaukidars have certain powers to arrest, and to prevent wrongdoing it is quite essential that they should have uniforms which will leave no doubt as to what they are, and this requires central control. Secondly, in many cases the Boards will find it a nuisance to have to arrange for the purchase of uniforms. There are six items in a chaukidar's uniform and the total annual cost amounts to Rs. 3-14 at the present rates. Mr. Hart tells me that the demand to purchase uniforms is by no means general. This is certainly not one of the most important points; it is not of first-rate importance; and I believe that the balance of convenience is on the side of the present arrangement and that the alteration made by the Bill would not be generally appreciated. There are members of this Council who are presidents of Union Boards and it is very good service that they are doing to the cause of local self-government by holding this position. I am not speaking now of the works which they cause to be carried out in their own Unions, but I refer to two other aspects of this question. The first is that by holding this position they add to the dignity of the position, and by doing so they encourage the best men who are available in other Unions to desire to have this position. The second aspect in which they do good is that by being members of Union Boards they learn for themselves what are the needs and what are the difficulties of Union Boards, and by virtue of their position, they have opportunities for impressing upon Government and upon the local officers what these needs are, and perhaps sometimes they make them known more clearly than their humbler confreres in other Unions may do. My own experience is that I have learnt a great deal from the president of a Union Board—I refer to Raja Moniloll Singh Roy who is the president of a Union Board in Burdwan. He will know that what I have learnt from him has had an effect on my views about the working of this Act and whether the views that he has caused me to hold have had any effect on the rules. By doing this a great service is done, but at the same time the fact that people in that position hold these posts, does tend to make those who are not acquainted first-hand with Bengal village life believe that the normal state of affairs is that someone in the position of a member of the Legislative Council is the president of

a Union Board. Any one who thinks this is very far from the truth. The fact is that, generally speaking, the president of a Union Board is a person of very humble status. Now it is the policy of Government that the Village Self-Government Act shall be extended as widely as possible and Government have laid down that there is no village in Bengal which is so backward that it is not suitable that the Act should be extended there. There has been a very uneven extension of the Act and the extension has depended not so much on whether an area is advanced, but more on whether the local officers have been keen about getting the Act extended. Now, it will be a calamity if as the result of passing this Bill Government will say that in some areas where there are people who are sufficiently enlightened to exercise these powers the Act can be extended, but in others where the people are more backward these powers cannot be entrusted to the Union Boards, and that therefore the extension of the Act should be curtailed. Government are obliged to consider the conditions of all Unions and not those only of the more advanced ones. The second reason is that Government must consider what will be the effect of this Bill in abnormal times. Mr. Sasmal's attitude to the Bengal Self-Government Act has varied. He will remember that in 1920 he was dissatisfied that its extension in Contai subdivision should be limited to Contai and Ramnagar thanas. In 1921 he did not think that it was desirable to have it in any part of the Midnapore district. It is therefore gratifying to me to find that his attitude has changed again and that he is now much more interested in the Act and that his views have changed since he discussed it with me in 1921. But at the same time Government must remember what did happen in 1921; and if it had been the law in 1921 that the Union Board should have the final say as to how many chaukidars should be employed and what should be their salary, then I fear that not only in Midnapore but in many other districts, when Bengal was suffering from certain hallucinations, the result would have been that the number of chaukidars would have been zero or that the chaukidars' salary would have been zero. Government are obliged to consider what might happen in abnormal times.

I therefore appeal to the Council not to pass this inconsistent Bill which deals in a very small way with a very large and a very important Act. Before dealing with a Bill like this, all the principles need to be considered. What is much more important than the changes which are contained in this Bill as proposed, is the method and the spirit in which the Act is worked. It is the desire of Government that Union Boards should exercise real control over dafadars and chaukidars and the Council may rely on me that I will do all I can to impress on local officers that the authority and wishes of the Union Boards should be respected.

(At this stage the member reached the time-limit.)

Mr. PRESIDENT : You have reached the time-limit. Do you wish to have more time?

Mr. L. BIRLEY : No, Sir, I have finished.

Rai HARENDRANATH CHAUDHURI : I must thank Mr. Birley for his kind and generous benedictions on this Bill at the last stage. I could not really follow him or understand from all that he has just said what his object can be in putting up an opposition to this Bill at this stage. Mr. Birley has attempted to raise all possible fears and apprehensions in timid minds regarding the scope of this Bill. In the first place he has said that the problem that has been dealt with in this Bill should not be considered until the formation of the Ministry. At least that is what I have heard him say. But, Sir, Government have not observed that principle hitherto. Government even after re-transferring all the transferred subjects have brought before the Council Bill after Bill relating to transferred departments. So if non-officials now bring forward Bills relating to transferred departments why should the Council be told to postpone the consideration of such Bills till after the Ministry is formed? It is an attitude and arguments which I for myself cannot understand. Then Mr. Birley has quoted certain opinions but may I draw his attention to some of the observations made by the District Administration Committee? That Committee was a Government Committee but it regretted that the panchayets had very small powers left in them. If this Bill, therefore, confers more powers not on the Panchayets but on the Union Boards certainly it cannot be a very serious thing. Mr. Birley has raised another point, *viz.*, he has asked the members of the Council to consider what would be the effect of such a Bill in abnormal times. Sir, we generally pass Bills during normal times taking only normal conditions into account. For abnormal times you have your ordinances and repressive laws in your armoury. So you need not be afraid of the helplessness of the Government in abnormal times. Mr. Birley doubts whether the Bill will be acceptable to the Union Boards or whether it will be advisable on the part of Government to confer on any Union Board such powers. We know, Sir, that Government will henceforth —if the Bill be passed into law—be more slow in extending the Union Boards and the reason is quite obvious. Whenever any real power is proposed to be conferred on the people and on the people's representatives we know the Government fight shy of such proposals. We know Government will prove obstructive but that need not prevent us from passing this Bill which has after all reference to the provisions for the control of village watch. I assure the House that in this respect the same law that is now proposed prevailed under the Act of 1870 and was administered for 22 years without bringing the British Empire to rack and ruin. So I move that this Bill be passed into law.

The motion that the Bengal Village Self-Government (Amendment) Bill, 1926, be passed was then put and a division was taken with the following result :—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravarty, Babu Sudarsan.
Chatterjea, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Boroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Hoque, Maulvi Sayedul.
Huq, Mr. Mahbubul.
Jaardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasahid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Naskar, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Raiket, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Babu Sateowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Maulvi Allah Bukhsh.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Sen, Mr. N. C.
Suhrawardy, Mr. H. S.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Cooper, Mr. C. D.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Doss, Rai Bahadur Pyari Lal
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Moreno, Dr. H. W. B.
Mukarji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy Choudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Villiers, Mr. E.
Wilson, Mr. R. S.
Woodhead, Mr. J. A.

The Ayes being 55 and the Noes 56, the motion was lost.

Amendments of Standing Orders.

Mr. PRESIDENT : I have to present the Report of the Select Committee appointed to consider the amendments of the Standing Orders by Shah Syed Emdadul Haq.

Shah Syed Emdadul Haq not being present the motion that the Report be taken into consideration was not moved.

The Bengal Village Self-Government (Amendment) Bill, 1925.

Babu HEMANTA KUMAR SARKAR : Sir, before I move my motion, I want to make a slight verbal alteration. I want to substitute the figure "1926" for the figure "1925".

There being no objection, leave was given to make this amendment.

Babu HEMANTA KUMAR SARKAR : I move that the Bengal Village Self-Government (Amendment) Bill, 1926, be taken into consideration.

Sir, this Bill is intended, as I stated in my Statement of Objects and Reasons, to develop further the system of Local Self-Government in Bengal; and in order to secure this end, the power of wholesale appointment of Union Boards in cases of failure of election by the District Magistrate was sought to be abolished and the training of the people in the elective system is sought for. Such a step will establish Union Boards on the basis of popular will and not considered as an exotic institution thurst upon the villagers by alien rulers.

In moving this motion, I beg to point out to this House that 90 per cent. of Union Boards in my district were formed by appointment by the District Magistrate and this was certainly not the intention of the Act. If the people do not want Union Boards Government should not thurst them upon the people. With these words, I move that this Bill be taken into consideration.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia : This is a Bill for the amendment of the Bengal Village Self-Government Act, 1919. That sub-section reads as follows :—

> "(4) If on the date fixed for the election, the electors of any Union fail to elect any member or members the vacancy or vacancies shall be filled by another election or by appointment by the District Magistrate; and any person so appointed shall be deemed to be a duly elected member."

At present the District Magistrate has the option, if an election fails, of holding a fresh election or of appointing members. The mover's

intention is to deprive the District Magistrate of the right to appoint members at all. The Bill is unworkable, because it makes no provision for the failure of a second election. Should a second election be held and should it fail also, there would be a deadlock and the Union Board could not come into being. The Bill makes no provision for such a situation. The mover's desire is that Union Boards should be constituted by election and not by nomination and I sympathise with him. Apart, however, from the fact that the Bill is unworkable it does not seem to be at all necessary in order to carry out the mover's wishes. The natural procedure for a District Magistrate to adopt under the sub-section as it stands is to order a fresh election if there is any chance of the election being successful, and Government believe that this is generally done. Wherever possible we have a re-election and the provision of the statute regarding the election of Union Board members is also applied in this spirit; but it is convenient to have some procedure which gives finality in the event of repeated unwillingness of the electors to go to the polls. If the District Magistrate has good reason to believe that a second election is unlikely to succeed he has the alternative of nomination which saves the trouble and delay involved in having another election. In these circumstances Government must oppose the consideration of the Bill.

The motion that the Bengal Village Self-Government (Amendment) Bill, 1926, be taken into consideration was then put and a division taken with the following result :—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyad Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Bereda Prasad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Hoque, Maulvi Sayedul.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmahen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Ray, Babu Sateswripati.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalniranjan.
Sasmal, Mr. S. N.
Sen, Mr. N. C.
Singha, Mr. Arun Chandra.
Suhrawardy, Mr. H. S.
Taraffdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Dose, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Law, Raja Reshee Cese.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadu Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Snaith, Mr J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Villiers, Mr. E.
Wilson, Mr. R. B.
Woodhead, Mr. J. A.

The Ayes being 53 and the Noes 62, the motion was lost.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

The Calcutta Improvement (Amendment) Bill, 1925.

The following motion was called but not moved :—

Dr. PRAMATHANATH BANERJEA to move that the Calcutta Improvement (Amendment) Bill, 1925, be taken into consideration.

The Bengal Local Self-Government (Amendment) Bill, 1925.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia : I beg to present the report of the Select Committee on the Bengal Local Self-Government (Amendment) Bill, 1925, by Maulvi Sayedul Hoque.

By leave of the Council Maulvi Sayedul Hoque substituted the figures "1926" for the figures "1925" in his motion and then moved it in the amended form.

Maulvi SAYEDUL HOQUE : I beg to move that the Bengal Local Self-Government (Amendment) Bill, 1926, as reported by the Select Committee, be taken into consideration.

Mr. E. VILLIERS: Mr. President, I oppose the motion before the House now and in doing so I may point out that I am voicing the opinion of my friend Mr. Travers, inasmuch as he himself is unable to speak, having contracted the famous Calcutta cold.

The Bill before the Council provides for changes in the constitution and organisation of the District Boards of the province. These changes are most important, and would affect very considerably the whole chain of local bodies which are responsible for the local self-government of each and every district in Bengal.

Now, Sir, there are in every district men who have devoted themselves to local work, such as is involved by membership of a District or Local Board. Many of them have achieved much in regard to the all important subjects of the water-supply, the health and the education of their district. But, Sir, many of these local workers are unable to stand for election to this Council. Their profession, or their occupation, or their circumstances permit them only to undertake work connected with their own district or subdivision.

Sir, I submit that a measure of importance such as is this Bill ought to be submitted to each District and Local Board, that this Council may have the guidance and the knowledge that will come from the expression of their views and their opinion upon this Bill. I am quite aware that there are, amongst the members of this Council, a number of enthusiastic workers who have done splendid work for the district wherein are their homes such as my friends Raja Maniloll Singh Roy and Mr. Sasmal and others. But, Sir, membership of this Council depends upon poilitics. I believe that in local organisations such as our District and Local Boards, representing the people of a large area the best work can be obtained where the members are elected or appointed, because of their devotion to duty and work for their fellow citizens, irrespective altogether of their political opinions. There are certainly a number of valuable members who do take but little interest in party politics, and their opinion should be obtained before the Council proceeds any further with this Bill.

Again, Sir, it is known that a Bill to overhaul the whole machinery of self-government is being thrashed out and under draft : I believe, Sir, it is a mistake to make piecemeal alterations, even in so important a matter as representation, at this stage. I think that it will be wiser to wait until the new measure comes before the Council. In my own district—or rather in Mr. Travers' district—some special arrangements are required to secure the just and fair representation of the Tea industry, which pays one-third of the revenue of the district, and which

employs 200,000 labourers, but has but little voting power. Sir, we are within sight of a new election, and after that election it is probable that one side of this Council or the other will have a clear majority. Sir, I believe that whichever side does obtain that majority, a ministry will be formed, and there will be responsive co-operation to work dyarchy. Whatever may be one's opinion about the pace of progress towards Home Rule in Bengal, I feel sure that the majority in this Council now will agree that it would be far preferable that when a Bill is under consideration to recast and reform the local self-government of the province, a Minister should be in charge of the department, and preferably a Minister who has himself had experience of District Board administration, such as Raja Maniloll Singh Roy on this side, or Mr. Sasmal on the other. For these reasons, Mr. President, I oppose the motion before the Council.

Mr. B. N. SASMAL : Mr. President, Sir, I beg to move, by way of amendment, that the Bill as reported by the Select Committee be re-committed to the Select Committee, without limitation, with instructions to submit a fresh report for presentation to the Council as soon as possible, quorum to be five.

Sir, those who have gone through the Bill which my friend Maulvi Sayedul Hoque has brought up will admit most readily that compared with it the Select Committee's Bill is a completely mutilated matter, and if we really intend to do any good in the line of suggestions made by my friend, then this Bill as settled by the Select Committee cannot possibly be of any avail. I therefore move that it be re-committed without limitation. It is unfortunate that my friend Maulvi Sayedul Hoque was not present in the Select Committee when this Bill was considered, and I am also sorry that I was not present there although I was a member of the Select Committee. I wrote to the Hon'ble Member-in-charge requesting him to hold another meeting of the Select Committee so that the matter might be considered again. The Hon'ble Member-in-charge wrote to me to say that he could not accede to my request because the rules on the subject were against calling a meeting of that kind. However the principles that my friend has touched upon in his Bill are really very important. He wants to enlarge the franchise of Local and District Boards. At present there are members elected and their number in both the cases of Local and District Boards is two-thirds and the number of nominated members is one-third. His proposal is that the nominated element should be reduced to one-fifth. Then there is another important matter. He proposes that the rule-making power of the local Government be taken away and given to District Boards. So far as these two proposals are concerned, the Select Committee's recommendation is that these proposals be omitted from the Bill, *i.e.*, except certain formal matters, the Select Committee have really accepted nothing of the Bill. Under the circumstances I

think it would be better if the Bill be referred again to the Select Committee.

Babu AMULYA DHONE ADDY: I have much pleasure in seconding the motion of Mr. Sasmal. When this Bill was before the Council and the question of its reference to Select Committee was under discussion, I suggested that public opinion should be invited and that also the opinions of District Boards should be invited. But I am sorry to say that that suggestion was not accepted by this Council, and that is the reason why the report of the Select Committee does not appear to us to be a right one.

The mover of the Bill was unable to attend some of the meetings of the committee and Mr. Sasmal, who has great experience as the Chairman of the District Board of Midnapore, also could not attend some of the meetings of the Select Committee; so it is right and just that the Bill should be referred back to the Select Committee. I take this opportunity of suggesting to the members of the Select Committee that before they come to any decision they may be pleased to ask for the opinion of the several District Boards of Bengal.

It has been suggested that the percentage of the members of Local Boards as well as the District Boards to be nominated by Government may be reduced from one-third to one-fifth. It has also been suggested that the control of the District Magistrate as well as the Commissioner of the Division over the District Board and the Local Board should be taken away. I beg to submit that time has not yet come when that control should be taken away altogether, but at the same time I beg to submit that time has come when their control over these bodies should be relaxed and the percentage of the elected members of the Boards should be increased as suggested in the Bengal Municipal Bill. Therefore I beg to submit that instead of going through the amendments placed before the House it would be well if we refer the Bill back to the Select Committee for re-consideration after obtaining the opinions of the public bodies interested.

Babu BEJOY KRISHNA BOSE: I was a member of the Select Committee that sat over this Bill and perhaps it would be a bit unusual for me to stand up and support the amendment tabled by my friend, Mr. Sasmal. When we sat in the Select Committee I was not aware that this Bill of Maulvi Sayedul Hoque had been sent to the various District Boards of the province for eliciting their opinion. Subsequently about a month ago I found that this Bill was included in the agenda as a subject on which the District Board of the 24-Pergannas had been requested to give their opinion, and I take it that other District Boards were likewise consulted. If that be so—this fact was not within my knowledge when we sat in the Committee—I think it would

be well if their opinions could be placed before and considered by the Select Committee before coming to a decision here in this Council. That is the reason why I think it should be re-considered by the Committee.

[At this stage the Hon'ble the President left the Chamber and Babu Jatindra Nath Basu took the Chair.]

The Hon'ble Sir HUGH STEPHENSON: As this is a question of principle I desire to take this opportunity of explaining what the position of Government is with regard to this Bill. When the Bill was first introduced in the Council it was proposed to proceed to its consideration at once and Government pressed that at least it should be sent to a Select Committee and examined there. This has been done and my colleague has to-day presented to the Council the report of the Select Committee, but, the mover of the Bill has thrown over the report of the Select Committee. The Select Committee has done its best to remove the defects and evils of the Bill but the mover has given notice of amendments which will absolutely undo the whole work of the Select Committee. We also have heard Mr. Sasmal to say that the Bill as it has come out from the Select Committee is quite impossible. Therefore Government do not feel itself in any way bound by the fact that they suggested that the Bill should be sent to a Select Committee. Mr. Bose has said that some District Boards have been considering this Bill; I do not know where they got the Bill from; Government did not consult them nor did the Council consult them on the Bill and neither Government nor the Council have any report from or opinion of any District Board.

Then, Sir, I don't know how many members of this Council have gone through the Bill as it came back from the Select Committee together with all the amendments on it. I confess that I did, when I went through it myself I felt the need of a wet towel round my head and the impression it must leave on anybody's mind if they do and though it is this: that it is a perfectly impossible way of conducting legislation. No one has examined the Local Self-Government Act as a whole. A member of the Swaraj Party, not the Swaraj Party officially, but a member of the Swaraj Party has brought forward some bright ideas of his own as to certain sections which might be amended but no one has yet gone into the Bill to see what the principles of the Bill are and what other sections require to be altered in order to carry out those principles. We feel that in a matter of the importance of local self-government that is not the proper way to proceed to alter the law. If the Council is not satisfied with the principles underlying the present Act they should impress upon their Ministers when they have them but pending that time they should debate in open Council the principles on which they think the new Bill should be based, and it will then be for an expert to draw up the Bill on the principles which are accepted,

but to take single clauses and single sections of the Act and say "strike out this word" or "strike out that word" is I think quite a wrong way of dealing with the Act. Therefore Government will support the objection that has been raised to taking the Bill into consideration.

I have forgotten to mention Mr. Sasmal's amendment that the Bill should be re-committed to the Select Committee. That we cannot support; it is useless to send the Bill back with no instructions as to what should be done; it is useless to send it back to the Select Committee which has already submitted its report and even if we added all the members of that committee who were unable to attend that committee the majority will still be there and the committee's report will still be a majority report even if Mr. Sasmal and all the others were present and against it. Therefore it is perfectly useless for this House to re-commit the same Bill to the same committee with no instructions whatever.

The motion that the Bill as reported by the Select Committee be re-committed to the Select Committee, without limitation, with instructions to submit a fresh report for presentation to the Council as soon as possible, quorum to be five, was put and a division was called.

Babu BEJOY KRISHNA BOSE: There are three members (Messrs. K. C. De, A. C. Banerjee and P. N. Guha) in the ladies' gallery. I presume they cannot vote.

CHAIRMAN (Babu Jatindra Nath Basu): A member in the gallery is in the House, Mr. Bose. I think that has been ruled before.

The division was then taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romas Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjea, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Sereda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Raschid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Nirogi, Babu Manmohan.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Roy, Babu Sateswripati.
Roy, Dr. Bidhan Chandra.
Ray, Mr. D. N.

Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Sen, Mr. N. C.
Singha, Mr. Arun Chandra.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Barma, Rai Sahib Panchanan.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Dose, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Law, Raja Reshee Case.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy Choudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Snaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Villiers, Mr. E.
Wilson, Mr. R. B.
Woodhead, Mr. J. A.

The Ayes being 55 and the Noes 59 the motion was lost.

The motion that Maulvi Sayedul Hoque's Bengal Local Self-Government (Amendment) Bill, 1926, as reported by the Select Committee, be taken into consideration, was then put and a division claimed.

Mr. A. C. BANERJEE: May I draw your attention to the fact that after the division bell ceased to ring some members entered the Chamber. Are they entitled to vote, Sir?

CHAIRMAN: Mr. Ghuznavi, Khan Bahadur Abdus Salam, and Maulvi Tayebuddin Ahmad, when you entered the Chamber were the doors closed?

Haji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I entered the Chamber when the door was open.

Khan Bahadur ABDUS SALAM: I entered the Chamber when the door was open.

Maulvi TAYEBUDDIN AHMED: The door was open.

Mr. D. N. ROY: We have not heard your ruling, Sir, whether they can vote.

CHAIRMAN: They can vote because the doors were not ordered to be locked.

Mr. A. C. BANERJEE: But the division bell ceased to ring, Sir. On a point of order I am asking you whether as soon as the division bell ceases to ring even though the doors may not be locked the members who come into the Chamber are entitled to vote.

CHAIRMAN: The members concerned have told me that when they entered the Chamber they found the door open. Orders were not given to lock the doors.

A division was then taken with the following result :—

Mr. A. C. BANERJEE: Before the result of the division is announced may I, on a point of order, ask you this: When you asked the members who had come in late whether they came in after the doors were locked, you used the expression "locking of doors". However, the effect of the matter is this: the doors were partially closed and the whole idea is that they entered the room after the doors were partially closed. The doors are never locked—so will you ask the members whether they came through the paratially closed doors or not.

CHAIRMAN: As it will hardly affect the decision of the House in view of the result of the division I am going to announce, I do not think it is any use wasting the time of the Council in asking the three members whether they came in through partially closed doors or not.

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Beroda Prasad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hassain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Raschid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Tarakناth.
Nasker, Babu Nem Chandra.
Neogi, Babu Manmohan.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.

Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sasmal, Mr. B. N.
Singha, Mr. Arun Chandra.
Taraifdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Barma, Rai Sahib Panchanan.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Baud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Dess, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. C. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Law, Raja Reshee Case.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Snaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Villiers, Mr. E.
Weedhead, Mr. J. A.

The Ayes being 52 and the Noes 58, the motion was lost.

[At this stage the Hon'ble the President returned to the Chair.]

The Bengal Village Self-Government (Amendment) Bill, 1925.

Maulvi SAYEDUL HOQUE: I move that the Bengal Village Self-Government (Amendment) Bill, 1925, be taken into consideration.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: There are two provisions in this Bill. The first reducing the maximum number of Union Board members who may be appointed by the District Magistrate from one-third to one-fifth. All the Union Boards which have been constituted in Bengal so far have had 9 members, six to be elected, and three to be appointed by the District Magistrate on the ground that the electors are inexperienced and that minorities require representation. A proposal to reduce the number of District Magistrate's nominees to two or one would be understandable,

but the proportion of one-fifth is meaningless where the number 9 is concerned. This proportion can only be adopted if the Bill is amended so as to make it clear that the District Magistrate can only appoint one member. Why the mover proposes to leave him the power of appointing this one member alone is not obvious. It would be simpler and more logical to propose that all the members should be elected. Apart, however, from the actual wording of clause 2 of the Bill Government are opposed to a reduction in the proportion of members who may be nominated by the District Magistrate. The Union Boards which were first formed only came into being some six years ago: many others have been working for a much shorter period, while in a vast number of Unions there are no Boards at all so far. Consequently it cannot be said that the Village Self-Government Act is in full operation yet, and its present provisions have certainly not had a fair trial. It is too early to amend one of the most important provisions of the Act, especially when there has been no consultation with district officers, District Boards and members of Union Boards themselves. It cannot be said that the power of nomination is necessary in the case of every individual Union Board: there are many Boards which could be quite satisfactorily constituted from the elected element alone. Until an election takes place, however, it is impossible to foretell who will be returned and whether all important communities and areas in the Union will have proper representation. It need not be imagined that in making these appointments the District Magistrate seeks out candidates who are likely to be subservient or of whose political views he approves. The power of appointment is actually used to correct the deficiencies of the the elective system and to provide that no important community or area within the Union will go without its representative.

The second proposal provides for the election of Union Board members by the secret ballot system. Union Boards have evidently come to stay, and it is likely that Government and the District Boards will to an increasing extent use their agency and supply them with funds for the improvement of rural areas. The importance of Union Boards is thus likely to grow, and the personnel of which they are composed is a matter of vital interest to the village people. The best and safest method by which suitable representatives can be elected is certainly the secret ballot system where it can be properly worked. There are, however, practical difficulties of which the mover is perhaps not aware. A large proportion of the electorate does not know how to read or write, and in these circumstances it will be difficult to ensure the secrecy of the ballot. The provision of proper polling enclosures in which special arrangements can be made for illiterate voters to record their votes secretly may be a matter of difficulty in some villages, while the printing of ballotting papers and the provision and transport of ballot boxes adds to the expense of election. Government must oppose the precipitate introduction of such a measure before any opinions have

been taken. Before making the proposed change of system it will be necessary to consult the District Magistrates who have to make the necessary arrangements, the District and Local Boards, and the Union Boards themselves.

In view of these difficulties I would oppose immediate consideration of the Bill.

Babu AMULYA DHONE ADDY: I move, by way of amendment that the Bill be circulated for the purpose of eliciting public opinion thereon within two months from the 16th February, 1926.

Sir, it is proposed to reduce the percentage of nominated members of Union Boards from one-third to one-fifth and it is further proposed that the system of voting by ballot should be introduced. I beg to submit, Sir, that this appears to be a drastic measure. It is desirable that the opinions of the persons interested—I mean the Union Boards as well of the district officers—should be taken before we commit ourselves to this proposal. I am personally of opinion that the percentage of elective members should be increased from two-thirds to three-fourths and the percentage of nominated members should also be reduced from one-third to one-fourth instead of one-fifth as suggested in the Bill. That would be consistent with the provisions of the Bengal Municipal Bill as was placed before us at the last session but at the same time I must strongly oppose to this piecemeal legislation without consulting public opinion thereon. With these remarks I beg to move this amendment.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I oppose this motion of Babu Amulya Dhone Addy for circulation of this Bill for public opinion. He has himself admitted that this is a piecemeal legislation. My Hon'ble colleague, Sir Hugh Stephenson, has explained the Government policy as to such piecemeal legislations. On this ground I oppose the motion.

Babu Amulya Dhone Addy's motion was then put and lost.

The motion that the Bengal Village Self-Government (Amendment) Bill, 1925, be taken into consideration was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Bakah, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Beroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.

Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rasohid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Neogi, Babu Manmohon.
Quader, Maulvi Abdul.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Roy, Babu Sateowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Singha, Mr. Arun Chandra.
Tarafdar, Maulvi Rajib Uddin.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Doss, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Law, Raja Reshee Case.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Prevash Chunder.
Moreno, Dr. H. W. B.
Morgan, Mr. C.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Skinner, Mr. S. A.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Villiers, Mr. E.
Woodhead, Mr. J. A.

The Ayes being 48, and the Noes 56, the motion was lost.

The Bengal Fish Fry Preservation Bill 1925.

Mr. PRESIDENT: Maulvi Saheb, you have not received the consent of three of the members of your suggested Select Committee, namely, Maulvi Nurul Huq Chaudhury, Dr. Mohini Mohan Das and Mr. G. S. Dutt. You have got to omit the names of these members, but as you have got the consent of the majority of the members, you can move your motion.

You had also better change the figure "1925" in your motion to "1926".

This was by leave of the Council agreed to.

SHAH SYED EMDADUL HAQ moved that the Bengal Fish Fry preservation Bill, 1925, be referred to a Select Committee, consisting of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Babu Hemanta Kumar Sarkar, Mr. B. N. Sasmal, Babu Hem Chandra Nasker, Babu Akhil Chandra Datta, Maulvi Ekramul Huq, Maulvi Tayebuddin Ahmed, and the mover, with instructions to submit their report in time for its consideration in the February session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

He spoke in Bengali. The English translation of which is as follows:—

The Fish Fry Preservation Bill was introduced in the last session of the Council and I propose now to refer it to the Select Committee constituted with the persons named above. At one time fish was to be found in Bengal in abundant quantities, but now there is a scarcity of fish because our *bils* and ponds are drying up. Unless some steps are taken for the preservation of the fish fry, there will be scarcity of fish throughout Bengal.

Thousands of Fish Fry are killed annually. If this can be prevented there will be no scarcity of fish in future. As the killing of fowls is forbidden for three months during the breeding season, so also the killing of fish fry may be forbidden during the breeding season and there appears to be no reason for raising objection against such a proposal.

The Bill provides also for punishment of maximum fine of Rs. 10 for offenders against the law when it is passed.

My Fish Fry Draft Bill was greeted with laughter by many of my friends in the Council. Nevertheless they admit its usefulness.

If they admit that it is useful there is no reason why they should not allow it to go to the Select Committee, who shall deal with it as they please without any objection on my part.

There may be some objection in regard to the choice of the authority who is to take action under the law; but even this matter may be satisfactorily dealt with by the Select Committee.

A rumour has spread that the Bill intends to prohibit catching all fish during the three months of Baisakh, Jaistha and Asharh and it will not be surprising if it creates unrest among the fishermen. It is, however, clearly stated that the prohibition applies only to fish fry and even as regards fish fry the prohibition does not apply to a case where the object is the culture of fish.

The Select Committee have power to expunge the clause relating to the catching of dead fish fry and introduce any provision they consider reasonable.

I am a villager and know how things go on there. It is for the welfare of the country I have presented this Bill. I have no objection to omitting the punitive sections if the Bill is passed, for, I believe that such a measure in any shape will go same way to remedy the evil. I appeal to the House to allow it to go to Select Committee.

[At this stage the Council was adjourned for 15 minutes.]

[After the adjournment.]

Dr. BIDHAN CHANDRA ROY: Sir, I wish to speak in support of the amendment of my friend, Rai Harendranath Chaudhuri. May I know when I may be permitted to do so?

Mr. PRESIDENT: I will first of all call on Babu Amulya Dhone Addy and Rai Harendranath Chaudhuri to move their amendments, and then I will ask the Government member to make his reply. After that you may speak if you happen to catch my eye.

Babu AMULYA DHONE ADDY: I beg to move that the Bill be circulated for the purpose of eliciting public opinion thereon within one month from the 16th February, 1926.

I thank the mover of the Bill for his noble object which appears to cheapen the price of fish. Fish is a staple food of Bengal and the less the price of fish the better for the people, but I may remind my friend of the scarcity of milk in Bengal. Sir, there was a time when the price of milk was 20 seers per rupee. Now it has become as dear as 2½ seers per rupee. That is the reason as to why the rate of infant mortality in Bengal is so very high. Therefore I would suggest to my friend to withdraw the present Bill for the time being and favour us with such a Bill as may be enacted into law so that the price of pure milk may be cheapened to some extent.

Mr. PRESIDENT: You are not speaking on your amendment. Please be relevant to the discussion.

Babu AMULYA DHONE ADDY: I am strongly opposed to the provisions of the Bill as it stands——

Mr. PRESIDENT: You are still away from your point and if you do not come to it, at once, I am afraid, I shall be obliged to ask you to take your seat.

Babu AMULYA DHONE ADDY: Sir, I want to have public opinion on this matter—as to whether clauses 4 and 6 of the Bill should be enacted into law. Under clause 4 no person shall kill, use or sell as an article of human consumption fish fry either privately, or in the market or any other place, and under clause 6 any officer in

charge of a police-station can arrest without any warrant any person committing an offence under this clause. I am afraid it will be a dangerous weapon in the hands of the police and specially in the hands of a subordinate officer of the police department. Therefore I would ask for public opinion as to whether these clauses should be enacted into law and whether it would be safe to invest a police officer with such arbitrary powers as contemplated under this clause. With these remarks, I beg to move my amendment.

Rai HARENDRANATH CHAUDHURI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 1st April, 1926.

Shah Saheb's Bill is no doubt an important one. I quite agree with him in almost all that he has said about its good points particularly because the Bill aims at benefiting the future generations of fishes. Certainly the Bill ought to have sympathetic support from us. In the fullness of sympathy, however, for the future generations of fishes Shah Saheb is disposed to make over the fishermen to the tender mercy of the police officers; he even goes further, he intends that these fishermen should be dealt with by the police officers under such rules as may be promulgated by the Government. So Shah Saheb need not be surprised if the Bill be misunderstood in certain quarters; however as the Bill has been misunderstood in certain quarters he admits the best thing will be to circulate it for eliciting public opinion. The reason why I ask that opinions should be collected before the 1st April is that the Bill is so important that its consideration ought to come up on that date. With these few observations I move my amendment.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I beg to oppose the motion on behalf of Government. While I fully sympathise with the object of the Member in charge of the Bill, I cannot help feeling, however, that in this matter he has allowed his zeal for reform to outrun his prudence as a practical legislator. Nobody will deny that the present wasteful methods employed in the catching of fish by our ignorant fishermen cause the destruction every year of a large quantity of fish fry and that this is a national loss. Government have always felt the importance of this question and have more than once investigated into the possibilities for putting a stop to this waste. The question, therefore, is not whether the present methods are wasteful—a proposition regarding which there will be no difference of opinion—but whether it is practicable to have an enactment which will effectually put a stop to the evil. The Bill purports to give to the police or other agency employed in its administration summary powers of arrest without warrant and it makes nice distinctions between catch-

ing, selling or purchasing of fish fry for the purpose of fish cultivation or anything done accidentally, and catching or killing fry or using or selling them for any other purpose. It is hardly necessary to point out the difficulty of distinguishing, in actual practice, between these purposes and the abuses to which the law is sure to be put in consequence. The House will, I am sure, agree that it is no use having a law which is bound to remain a dead-letter and it is worse than useless to have a law which is likely to cause hardship and give rise to serious discontent among a large section of ignorant people.

The question of legislation for the prevention of the destruction of immature fish has, as I have observed, been under the consideration of Government in the past. In his report on the Fishery investigations in Bengal Sir Krishna Gupta discussed the question of legislation and the agency by which this work could be undertaken. He was definitely of opinion that for the enforcement of such a law some agency other than the police would have to be employed. On the other hand, Mr. K. C. De who, in his report on the Fisheries of Eastern Bengal and Assam, went into this question very thoroughly, expressed the decided opinion that there were grave risks in enacting any law for the protection of fry and fingerlings of fish. I need only quote from his report on this point to impress the Council with the extreme difficulty and even danger of legislating on this matter. This is what Mr. De says on this question:—

> Most of the District Officers have observed that in a country so vast as this it will scarcely be possible to enforce any of the protective measures with any degree of success. The people are very ignorant and conservative in their thought and action, while the police are few. It will mean interference with the habits of the simple villagers who will not understand the motives of the State. Without a very large expenditure on a preventive force, none of the protective measures can be thoroughly enforced, and unless they are thorough, the result cannot be satisfactory. . . . . Our knowledge of the habits of the fishes, their life-history and their methods of propagation of species is again so very limited, that conclusive evidence cannot be brought forward to prove the necessity of any measure. Almost all the fresh-water fisheries of Eastern Bengal belong to private proprietors and no protective measure can be enforced there without legislation. It is difficult, therefore, to make out a case that the time has come for such legislation.

Mr. De goes on to express the opinion that the measures suggested by Sir Krishna Gupta could not be adequately enforced in the districts of Eastern Bengal without great harassment to the people and the incurring of an expenditure quite incommensurate with the benefit expected. He also pointed out that in this country so many of the food fishes of the people are of small size that it was not possible to stop the use of small-mesh nets without the serious danger of a considerable falling off of the fish supply; and he concluded that it was impossible to recommend any measure to combat this evil which could be efficiently enforced and which was not likely to have a serious effect on the available fish supply.

I need hardly point out to the Council that although theoretically it is desirable to introduce a fish law to prevent the destruction of fry during the spawning season, the practicability of such a measure is gravely open to question. The fisherman class which the Bill will affect most is perhaps the poorest and most ignorant class in the population of Bengal. They are sure to resent strongly any such measure and to do all they can to make it ineffective. Then, again, the fisheries in Bengal extend over the greater part of the province and to enforce such a law over so vast an area would mean the appointment of a very large staff on a prohibitive expenditure; for it would be obviously undersirable to leave a law of this nature to be administered by the police. Even if it were to be left to the police, the number of policemen and choukidars in the villages would have to be greatly increased if even an attempt were to be made to administer such a law. Then, again, owing to the abolition of the Fisheries Department as a result of retrenchment there is no special staff now in Bengal to deal with fisheries and owing to financial reasons Government are not in a position yet to provide such a staff. The Bill, therefore, if passed into law, is bound to remain a dead-letter under these circumstances.

As a matter of fact this has been the fate of the two enactments regarding fisheries which are already in the Statute Book, *viz.*, the Indian Fisheries Act, 1897, and the Private Fisheries Protection Act, 1889, although neither of these is open to as serious practical objections as the present Bill.

As a matter of fact the Council has on a previous occasion clearly shown its sense of the impracticability of the proposed measure when practically an identical Bill by Maulvi Shah Syed Emdadul Huq was refused introduction by the Council in the March Session of 1923. I am, therefore, confident that the Council will adhere to its wise decision on a previous occasion with regard to this measure.

Babu HEMANTA KUMAR SARKAR: As the President of the All-Bengal and Assam Fishermen's Association I have been instructed to oppose this measure proposed by my friend, Shah Saheb. There has been agitation all over the country for the last few months, and the fishermen, who best know where the shoe pinches, have denounced this Bill unanimously. With all good intentions the Shah Saheb has introduced this Bill for the preservation of fish fry: but I say that this Bill has been introduced to preserve the police fry—I mean the small fries of the police department. When the Shah Saheb sought my permission to serve on the Select Committee, I agreed readily, thinking that he was going to make some provision for fried fish and not fish fry, for us. We are not against fish preservation; but we do not like to give powers to the police in an indiscriminate manner. I shall, however, be very glad to support the Shah Saheb if he brings in a Bill to preserve hen's eggs.

Mr. PRESIDENT: Order, order. You ought to confine your remarks to the subject-matter under discussion.

Babu HEMANTA KUMAR SARKAR: I beg you pardon, Sir, I oppose Shah Saheb's Bill, but support Rai Harendranath Chaudhuri's amendment for circulation of the Bill for opinion to be submitted on the 1st of April, the All-Fools' Day.

Dr. BIDHAN CHANDRA ROY: I understand that you, Sir, belong to a vegetarian family but we belong to a fish-eating family and in our younger days we were told: লিখিবে পড়িবে মরিবে দুঃখে, মৎস্য ধরিবে খাইবে সুখে *i.e.*, study well and you will die in poverty: catch fish and you will eat in plenty. So, when I heard that the Shah Saheb was going to introduce a fish Bill and particularly fried fish Bill, I was awfully elated and I thought that when he proposed me as a member of the Select Committee I would have more intimate relationship with fried fish. Then I read the Bill and I found that it relates not to fried fish but fish fry. I also found that Shah Saheb had put in certain provisions in the Bill which it is difficult for me to understand. He says for instance: "provided the catching, selling and purchasing of fish or anything done accidentally". I am not a fish-catcher and I have never caught any fish but I have seen people doing it and whenever I found that they caught any fish it was always by accident that the fish got into the net. If that is so, I do not see what advantage will be gained by putting a provision of this kind, as fish is always caught accidentally. The Shah Saheb is a poor man's man and I always thought that in his zeal for the preservation of fish fry he has agreed to bring forward the inevitable, the irresistible and the indomitable policeman infront of us. He is here, he is there, he is everywhere—he is even in the Town Hall—and according to Shah Saheb's Bill he will be in the villages looking after fish-catchers. Not only that but it is said that he must catch and detain the person catching fish till he can take him to a Magistrate. It will be several days before the police officer or whoever is authorised to act in his behalf to take the accused to the Magistrate in the subdivision or at the headquarters and till then the arrested man will be in the custody of the police officer. The last section is the climax—the local Government may make rules for the punishment of offenders and for the better provision of fish fry. I do not think that the Shah Saheb is so bankrupt with regard to his rule-making powers that he depends again on the Government to make further rules for the preservation of fish fry. I certainly join with him in our consideration for the preservation of fish fry—personally I think the young ones of every species—whether human-beings, dogs, fish or cats—require looking after. At the same time I do not know whether the method he has suggested is at all feasible. I would therefore support Rai Harendra-

nath Chaudhuri's motion for putting the Bill before different societies of fishermen in the province who will be affected by this Bill and letting us know what opinion they have got to give us.

Maulvi WAHED HOSSAIN: I did not like to make any speech on this Bill, but I simply wanted to know one thing from the Shah Saheb, *i.e.*, whether his Bill concerns the Hilsa fish and the Mangoe fish.

SHAH SYED EMDADUL HAQ spoke in Bengali. The English translation of which is as follows:—

I see I have cried in the wilderness. The highly educated hon'ble colleagues of mine have indulged in witticisms at my expense where I expected sympathy.

Government speakers have spoken against the motion but without indulging in witticisms. I am a simple villager having only the welfare of the country in my heart. I draw the attention of the House to a matter which concerns a staple food of the people of Bengal.

My friend Harendra Babu has sympathised with me and asked me to consult public opinion. I agree to his proposal for circulation though I would have preferred to refer the Bill to Select Committee, who might have dealt with all reasonable suggestions. Before circulating it, I must inform the House that I am willing to omit the clause relating to arrest and shall omit it if the Bill goes to Select Committee. If a copy of my speech is published along with the Bill and a notification inviting suggestions of improvement having regard to the object of the Bill is issued it will be possible to take action on public opinion. The mover will have no grievance if the House refer the Bill together with such opinions as may be elicited to the Select Committee.

Mr. PRESIDENT: The motion before the House is—

"That the Bengal Fish Fry Preservation Bill, 1925, be referred to a Select Committee, consisting of the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Babu Hemanta Kumar Sárkar, Mr. B. N. Sasmal, Babu Hem Chandra Nasker, Babu Akhil Chandra Datta, Maulvi Ekramul Huq, Maulvi Tayebuddin Áhmed, and the mover with instructions to submit their report in time for its consideration in the February session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Since then an amendment has been moved by Rai Harendranath Chaudhuri that the Bill be circulated for the purpose of eliciting opinions thereon before the 1st of April, 1926. I would put the amendment first.

The amendment being put a division was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Bakeh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Basu, Babu Sarat Chandra.
Biswas, Mr. Abdul Latif.
Bose, Babu Bijoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Boroda Prosad.
Cafur, Maulvi Abdul.
Canguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Raschid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Besir.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Quader, Maulvi Abdul.
Ray, Babu Atanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Babu Sateowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Banerjee, Mr. A. C.
Cooper, Mr. C. G.
Das, Rai Bahadur Amar Nath.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Doss, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Forrester, Mr. J. Campbell.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi Ekramul.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Moreno, Dr. H. W. B.
Birley, Mr. L.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Maniloll Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Skinner, Mr. S. A.
Stephenson, the Hon'ble Sir Hugh.
Woodhead, Mr. J. A.

The Ayes being 46 and the Noes 43 the motion was carried.

Mr. PRESIDENT: As the next item if commenced cannot possibly be finished within quarter of an hour I think I should adjourn the Council till to-morrow, at 3 P.M.

The Council stands adjourned to 3 o'clock to-morrow afternoon.

Adjournment.

The Council was then adjourned till 3 P.M., on Thursday, the 18th February, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 18th February, 1926, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council and 117 nominated and elected members.

Starred Questions

(to which oral answers were given).

Accident at King George's Dock.

***XXXV. Babu BORODA PROSAD DEY:** (*a*) With reference to the answer to my starred question No. III of the 3rd December, 1925, will the Hon'ble Member in charge of the Department of Commerce be pleased to state whether there was anything in the two reports showing at least the probable cause of the accident?

(*b*) What compensation, if any, was paid to the heirs of each of the seven men who died in the said accident?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. J. Donald): (*a*) These reports were laid on the table on the 16th, in answer to starred question No. IV.

(*b*) This matter is under adjudication by the Commissioner for Workmen's Compensation.

Dismissal of an Assistant Director of Public Health, Rajshahi Circle.

***XXXVI. Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state under what circumstances Dr. S. P. Gupta, Assistant Director of Public Health, Rajshahi Circle, was dismissed from service?

(*b*) Was the dismissal made under rule 23 of the Government Servants' Conduct Rules upon a political matter?

(c) Was the procedure laid down in Government of Bengal letter Nos. 548-52 A.D., dated the 1st October, 1924, from the Chief Secretary to the Commissioners of Divisions, followed in the present case by holding "the enquiry in a definitely judicial form"?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (a) and (b) Dr. Gupta was dismissed for a breach of rule 23 of the Government Servants' Conduct Rules, in that he took part in a political movement by attending a political meeting and making a speech.

(c) The procedure was followed as far as it was applicable. The charge was communicated to Dr. Gupta in writing and he was asked for an explanation and to show cause why he should not be dismissed. He submitted his defence in writing, which was considered by Government, and formal orders were then issued.

Internee Jatindra Nath Bhattacharji.

***XXXVII. Mr. S. N. HALDAR:** With reference to the reply given to clauses (g) and (i) of starred question No. LX of the 8th December, 1925, will the Hon'ble Member in charge of the Political Department be pleased to state who is treating internee Jatindra Nath Bhattacharji for his eyes, throat and teeth?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): For his throat, he is at present receiving medical treatment from the Sub-Assistant Surgeon in charge of the District Board Charitable Dispensary. He has already been supplied with spectacles and his carious teeth have been extracted.

Mr. S. N. HALDAR: Will the Hon'ble Member be pleased to state how far the District Board Charitable Dispensary is from the place where the internee resides?

The Hon'ble Sir HUGH STEPHENSON: I must have notice of the question.

Delay in the publication of the lists of elected and nominated members of Local Boards in Midnapore.

***XXXVIII. Babu DEBENDRA LAL KHAN:** (a) Is the Hon'ble Member in charge of the Department of Local Self-Government aware that a delay has been caused in the publication in the *Calcutta Gazette* of the list of elected and nominated members for the new Midnapore Local Boards?

(*b*) If so, will the Hon'ble Member be pleased to state the causes to which the delay is due?

(*c*) Will the Hon'ble Member be pleased to state when the aforesaid list will be published by the Government?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) Yes.

(*b*) Under section 29 B of the Local Self-Government Act the Commissioner's nominations for the appointment of members to the several Local Boards in the district of Midnapore, together with the list of members returned at the general elections, were submitted to Government on the 27th November, 1925. The nominations were considered by Government and the necessary orders were issued on the 23rd December last. But one of the nominees for the Jhargram Local Board having left the subdivision, another appointment was made by the Government order issued on the 21st January, 1926.

(*c*) The lists were published by the Commissioner in the *Calcutta Gazette* of the 28th January last.

Mr. B. N. SASMAL: Who is this Jhargram Local Board nominee and when was his name submitted to Government?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have not got the papers with me just now, I do not know the name but if the member will come round to my room I will give him the name, and the date.

Railway line from Santipur to Krishnagar.

***XXXIX. Dr. H. W. B. MORENO:** (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that the Bengal Government, in their letter No. 44 R., dated the 9th January, 1924, assured the public that the existing narrow gauge line from Santipur to Krishnagar should be retained as a light railway for passengers only?

(*b*) If so, will the Hon'ble Member be pleased to state whether the idea of converting the said light railway into a tramway line, contemplated in Bengal Government letter No. 1506 R., dated the 30th December, 1920, has subsequently been abandoned?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Mr. J. Donald): (*a*) Yes.

(*b*) The light railway for passenger traffic as referred to in Government letter No. 44 R., dated the 9th January, 1924, is the same

as the tramway line referred to in Government letter No. 1506 R., dated the 30th December, 1920; the change in phraseology contemplated no change in working.

Civil jurisdiction of certain villages of Muksudpur police-station.

***XL. Dr. KUMUD SANKAR RAY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware of any petition being made by the villagers of Batikamari and its adjacent villages within Muksudpur police-station, in the Faridpur district, for retaining their civil jurisdiction within Bhanga Munsifi instead of transferring the same to a new Munsifi at Gopalganj?

(*b*) Are the Government considering the desirability of taking early steps to retransfer those villages within Bhanga police-station with the civil jurisdiction in the Bhanga Munsifi and the criminal jurisdiction in the Sadar subdivision as in the case of the present Bhanga and Nagarkanda police-stations?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) Yes.

(*b*) No alteration of the boundaries of the Gopalganj subdivision is under consideration.

Dacca Mail disaster at Halsa.

***XLI. Babu HEMANTA KUMAR SARKAR:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a copy of the report of the District Magistrate of Nadia on the Dacca mail disaster at Halsa?

(*b*) Will the Hon'ble Member be further pleased to lay on the table a copy of the recommendations made by the District Magistrate of Nadia to prevent such disaster?

(*c*) Will the Hon'ble Member be pleased to state what steps have already been taken or are in contemplation so that the chances of such disasters may be minimised, and that if they occur at all, relief should be readily available for the passengers in distress?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) and (*b*) As a considered judicial decision has now been given on the facts of the disaster Government do not think it is desirable to publish the District Magistrate's report which was drawn up immediately after the occurrence for the information of Government and which was based on the evidence of persons who have been examined on oath in a Court.

(*c*) This is a matter for the Railway Board.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to state when judicial decision was given?

The Hon'ble Sir HUGH STEPHENSON: I think a short time ago, perhaps two or three weeks ago.

Mr. S. N. HALDAR: Will the Hon'ble Member be pleased to state if the Magistrate's report is in agreement with the judicial decision?

The Hon'ble Sir HUGH STEPHENSON: Yes, it is in general agreement.

Dr. KUMUD SANKAR ROY: Will the Hon'ble Member be pleased to state whether the District Magistrate made any recommendations with regard to the methods to be adopted to prevent further disasters, if so, will the Government be pleased to publish such recommendation?

The Hon'ble Sir HUGH STEPHENSON: The District Magistrate made certain recommendations but I do not think that we should publish his report. Since his report there has been an enquiry by the Government Railway Engineer and his suggestions will naturally carry more weight than those of the District Magistrate.

Mr. KIRAN SANKAR ROY: Will the Hon'ble Member be pleased to lay a copy of the judgment on the table?

The Hon'ble Sir HUGH STEPHENSON: In answer to another question I have or I intend to lay a copy of the judgment on the table.

Unstarred Questions

(answers to which were laid on the table).

Proposed overbridge at Gouripur-Mymensingh Railway junction.

28. Maulvi TAYEBUDDIN AHMED: (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that the local public and the District Board have been asking the Mymensingh-Bhairab Bazar Railway authorities in vain for an overbridge at Gouripur-Mymensingh junction between the waiting-room and the station approach road, the only entrance to the station platform?

(*b*) If so, will the Hon'ble Member be pleased to state what steps, if any, are being taken in the matter?

The Hon'ble Mr. J. DONALD: (*a*) Government have no information.

(*b*) It has been ascertained that the Railway Company has sanctioned an estimate for an overbridge at the place.

Lalgolaghat-Rajshahi steamer service with Malda section.

29. Babu ROMES CHANDRA BACCHI: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state the number of steamers that ply between Lalgolaghat and Rajshahi, and Lalgolaghat and Malda?

(*b*) Is it a fact that all the steamers in these lines are of an old type, with low speed, frequently go out of order and are seldom punctual in their arrivals?

(*c*) Is it a fact that there is no *purdah* arrangement for third class female passengers in these steamers?

(*d*) Is it a fact that there is no proper arrangement in these steamers, specially in the Malda line, for inter class passengers?

(*e*) Is the Hon'ble Member aware that the fare for inter class is double that of the third class?

(*f*) Will the Government be pleased to lay on the table a statement showing the number of days during the last year when no steamer plied between Lalgolaghat and Malda, together with the reasons therefor?

(*g*) Is it a fact that the Government pays a monthly contribution to the Steamer Company for maintaining a regular service in this line for the convenience of passengers?

(*h*) If the answer to (*a*), (*b*), (*c*), (*d*), (*e*) and (*g*) are in the affirmative, are the Government considering the desirability of taking any steps in the matter?

(*i*) If so, what steps are proposed to be taken?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) The India General Navigation and Railway Company, Limited, run one steamer between Lalgolaghat and Rajshahi, and usually two between Malda and Lalgolaghat.

(*b*) The Company state that some of the steamers on these routes are old, but deny that they frequently go out of order. They state that the Lalgolaghat-Rajshahi service is generally very punctual, but that the Malda steamers cannot run regularly owing to the shoaly character of the river.

(*c*) Yes.

(*d*) The Rajshahi steamer has inter class accommodation. One of the Malda steamers has inter class accommodation, and on the other screen berths are rigged for inter class passengers.

(*e*) Yes.

(*f*) Government do not possess the figures asked for. The Company state that they are unable to maintain a daily passenger service on this line, because there is not sufficient traffic.

(*g*) No.

(*h*) and (*i*) Do not arise.

Light railway passing through Panchanantala Road in Howrah.

30. Babu KHAGENDRA NATH GANGULY: (*a*) Is the Hon'ble Member in charge of the Department of Public Works (Railways) aware that Messrs. Martin & Co.'s light railway runs through Panchanantala Road?

(*b*) Is the Hon'ble Member aware that the said road is one of the most important thoroughfares of Howrah?

(*c*) What is the total length of the line over which this railway runs within the municipal limits of Howrah?

(*d*) Will the Hon'ble Member be pleased to state the total number of persons who are reported to have been knocked down or run over during the last 5 years by these trains within the jurisdiction of the Howrah Municipality?

(*e*) Is the Hon'ble Member aware that the Company has given up the practice of keeping an advance runner with a bell ahead of the engine while passing through the crowded thoroughfares?

(*f*) Is the Hon'ble Member aware that in some portions of the Panchanantala Road the trains pass within 5 or 6 feet of the houses of residents?

(*g*) Are the Government considering the desirability of taking steps for the removal of Messrs. Martin & Co.'s lines from within municipal limits?

The Hon'ble Mr. J. DONALD: (*a*) and (*b*) Yes.

(*c*) One thousand two hundred and nine miles on the berm of the municipal road and another 1 mile within the municipal boundary, but not on the public road.

(*d*) The number is reported to be as follows:—

1920-21, one injured and one killed; 1921-22, one injured; 1922-23, one injured; 1923-24, none; and 1924-25, none.

(*e*) Government are informed that the Company has not given up the practice of keeping an advance runner ahead of the engine while passing through the crowded thoroughfares.

(*f*) The minimum clearance fixed by the Railway Board is maintained.

(*g*) No.

Proposal to deforest certain forest reserve of Chittagong.

31. Maulvi AMANAT KHAN: (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Forests) be pleased to state whether it is a fact that the Government are withdrawing the reservation of forests from the culturable area of Chakaria Sundarban reserve forests, Chittagong?

(*b*) If so, what is the area of the same?

(*c*) What is the present income of the Government from the area?

MEMBER in charge of DEPARTMENT of REVENUE (FORESTS) (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Government have accepted a proposal to deforest the Badarkhali block of the Chakaria Sundarbans. The deforestation will proceed gradually as cultivation advances.

(*b*) The area of the Badarkhali block is 7·75 square miles. The area of the Chakaria Sundarbans is 27·75 square miles.

(*c*) The average income from the Chakaria Sundarbans Forest Reserve for the last three years was Rs. 14,431. This includes the income from the Badarkhali block, for which a separate figure is not available.

Motor service between Nator and Rajshahi.

32. Haji LAL MAHAMMED: (*a*) Is the Hon'ble Member in charge of the Police Department aware that six companies run about 25 lorries, day and night, between Nator and Rajshahi?

(*b*) Will the Hon'ble Member be pleased to state the number of motor accidents that took place there during the last four years?

(*c*) How many died from accidents and how many were seriously injured?

(*d*) What action is being taken for the prevention of such accidents?

(*e*) Why was no action taken against motor service companies or drivers for accidents in which two died—one at Biraldah bridge and the other on the Rajshahi Post Office Road?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) Government have no information of any in 1922 or 1923. One accident occurred in 1924 and four in 1925.

(*c*) As a result of these accidents one person died and 13 were injured, two seriously.

(*d*) The adequacy of the rules under the Indian Motor Vehicles Act, 1914, in so far as they relate to districts, is under the consideration of Government.

(*e*) Cases were instituted in regard to both the accidents, viz., that at Biraldah Bridge in 1921 and the Rajshahi Post Office Road in May, 1925, but the result of the police investigation did not disclose negligence or rash driving on the part of the drivers and no charge sheet was therefore submitted. The motor companies were not found to blame and no action was therefore taken against them.

Mr. B. N. SASMAL: Will the Hon'ble Member be pleased to state how long will it take to consider the adequacy of the rules laid down under the Act of 1914?

The Hon'ble Sir HUGH STEPHENSON: The report of the District Magistrate has been received and is being collated. I trust the necessary alterations in the rules, if any, will be ready in the course of a month or so.

Mr. B. N. SASMAL: Will the Hon'ble Member be pleased to state whether he is aware that the District Boards are suffering great difficulty owing to the inadequacy of these rules.

The Hon'ble Sir HUGH STEPHENSON: It is precisely to ascertain the difficulties the District Boards are suffering from that we have called for reports from District Magistrates.

Mr. B. N. SASMAL: Is the Hon'ble Member aware that the District Board cannot keep these companies under control without these rules?

The Hon'ble Sir HUGH STEPHENSON: I am afraid I cannot say whether I am aware of the fact or not, without looking up the rules.

Mr. B. N. SASMAL: Will the Hon'ble Member be pleased to make an inquiry into the difficulties of these District Boards?

Mr. PRESIDENT: That is a request for action Mr. Sasmal.

Resolutions

on matters of general public interest.

Amendment of the Bengal Electoral Rules.

Maulvi ABDUL GAFUR: I beg to move that this Council recommends to the Government that the proper authorities be approached to so amend the Bengal Electoral Rules that the election of representatives to the Bengal Legislative Council be proportionate to the numerical strength of the different communities of this province.

This question has been long before the country, and every member of the House is aware of what it means. My proposal is that the elected representatives from different communities, Hindus, Moslems and Christians should come to the Council according to the number of their population. There has been much heart-burning on the question, and even more so since the Aligarh speech by Sir Abd-ur Rahim I am pointed that there are certain matters in my resolution which are unintelligible, *e.g.*, communities. By different communities, I do not mean the different sub-castes of Hindus such as Brahmins, Kayasthas, Baidyas, etc., but I mean only the three principal classes, namely, the Hindus, Moslems and Christians on religious basis. Now, there is a party who think that as the Lucknow Pact decided the question it should not and cannot now be opened. A settled fact should not be unsettled. But there is another party in our country who wish to have the question re-opened, and my submission before the Council is this that the question can be re-opened because the Bengal Muhammadans have a recurring grievance. The cause being recurring it is not *res judicata*. I take it that we can re-open the question here in this Council. It is not an All-India question. There is also another party who says that the Bengal pact is obligatory on us, and we ought not to go beyond it. That is, that we must not ask for anything now, but we should ask for after Swaraj is achieved. My submission is this Sir, that we made this pact on the understanding that we should not ask anything of this Government. The Muhammadans have three grievances, one as regards representation, one as regards service, and one is a religious grievance; these are admitted by the Bengal pact —

Dr. BIDHAN CHANDRA ROY: What is the third grievance?

Maulvi ABDUL GAFUR: A religious grievance. The Bengal pact admits our grievances but promises the remedy after attainment of Swaraj, but since the Bengal pact things have rapidly changed and the relations between Hindus and Muhammadans have become much too strained. The Muhammadans say that their legitimate claims should

be met now, because if Swaraj is not attained within a limited time, should the Muhammadans suffer for an indefinite period? They wish to have the remedy immediately, otherwise they will not join their hands with Hindus for attainment of Swaraj. Therefore I, as a Swarajist, believe in my cult that Swaraj solely and wholly depends on the Hindu-Moslem unity. Now the grim fact is that the Muhammadans and Hindus are going further and further apart, and unless the causes of the distrust that is so very rampant now are removed at once I think, nay, I tell you, Sir, Swaraj will not dawn upon us.

With the best of my such motives, Sir, I move this resolution, and I hope the House will vote in favour of it.

Babu AMULYA DHONE ADDY: I strongly oppose the resolution which has been moved by my friend Maulvi Abdul Gafur. I thank him for the great interest he has taken for the welfare of the Muhammadan community, but at the same time I must say that if this resolution is carried it would be doing a great injustice to the Hindu community of Bengal. (Hear, Hear.) He suggests that communal representation should be continued and that the number of members of the Council should be in proportion to their population. Sir, I oppose not only the system of communal representation as at present, but also the allotment of the number of seats to Muhammadans in accordance with their population. I am strongly of opinion that the best of the candidates should be elected to the Council by the Hindus, Muhammadans or Christians, be they Indian or European. If we continue the system of communal representation, then we must have special seats for the Marwaris, for the Jews, for the Parsees, and even for the Chinese of Bentinck Street in Calcutta.

Maulvi A. K. FAZL-UL HUQ: On a point of order, Sir. It is not a question of communal representation, it is a question of the quality of representation.

Babu AMULYA DHONE ADDY: It is not the proportion of different communities in this province. We are dealing with two questions; whether communal representation should continue, and, if so, whether it should be in accordance with population or not. As regards the first point, I will draw your attention to the memorable report of Mr. Montagu and Lord Chelmsford. It appears from paragraph 229 of that report. It says that division by creeds and classes means the creation of political camps organised against each other and teaches men to think as partisans and not as citizens, and it is difficult to see how the change from this system to national representation is ever to occur. A minority which is given special representation owing to its weak and backward state is positively encouraged to settle down into a feeling of satisfied security; it is under no inducement to educate and

qualify itself to make good the ground which it has lost compared with the stronger majority. On the other hand, the latter is tempted to feel that they have done all they need do for their weaker fellow-countrymen, and that they are free to use their power for their own purposes. The "give-and-take" which is the essence of political life is lacking. There is no inducement to the one side to forbear, or to the other to exert itself.

It appears that His Excellency the Viceroy as well as the Secretary of State for India, after having taken evidence of several public bodies in India, have come to this conclusion that it is most objectionable to have a communal system of representation on the Councils of India.

It may be, Sir, that there was a pact between the Indian National Congress representing the Indians or rather Hindus of India, and the Indian Moslem League representing the Muhammadans of India, under which the percentage of Muhammadans was to be 40, but I am strongly opposed to it on principle, and I am also opposed to the pact which was made at the instance of our late Deshabandhu Chittaranjan Das, and I understand that this has been rejected by the Indian National Congress in Coconada.

As regards the question of population, I think, Sir, it should not be in accordance with population, but in accordance with the amount of rates and taxes paid by the people, or rather in accordance with their voting strength. Take the case of joint-stock companies; the shareholders are entitled to vote in accordance with the number of shares they hold. I am strongly of opinion that a person who pays say Rs. 50,000 as taxes to the Government should not be placed on the same footing with a person who pays only Rs. 12 per annum as rates and taxes, because the former is likely to take greater interest than the latter.

(A VOICE: One man, one vote.)

Then, Sir, I beg to submit that if it is desirable to have special representation in this Council, then commerce should be specially represented. It is commerce that has made Bengal what it is. Take the case of Calcutta, what would have been the state of Calcutta, had there been no commerce in it; it would have been the same as any mufassal city, say Dacca or Burdwan. What would have been the state of Burrà Bazar? Would it have been the same as it is at present? It is commerce that has made what it is. Therefore, I beg to submit that commerce should be specially represented in the Council, be they Europeans or Indians. The Indian merchants and traders should be placed on the same footing with the European merchants and traders of Bengal.

Then, there is another class of persons who should have proper representation on the Council. I mean the cursed landholders of Bengal. They pay a very heavy amount in rates and taxes and they have the

greatest interest at stake in Bengal and therefore in the matter of legislation they should have a more prominent part in the Council.

There is another class which should also be well represented; I mean the educated class. It is not advisable to continue the present system of communal representation in the Council and in regard to the number it should be, not in accordance with the population as suggested by my esteemed friend, but in accordance with the voting strength or rather, in accordance with the amount of rates and taxes paid by the different communities of Bengal, and that the merchants, be they Indian or European, the landholders and the educated classes in Bengal should have special representation in this Council.

Dr. H. W. B. MORENO: I heard what the speaker had to say about representation in this Council with regard to the numerical strength of communities in this province. I represent a minority in this province and I shudder to think what would be the effect if this resolution were brought into force so far as the Anglo-Indian community is concerned; for according to our numerical strength compared with the other great communities of the province, we should only be entitled to a fraction of a representative, which would mean a physical impossibility.

John Stuart Mill, that great philosopher, writing on Representative Government makes use of this very terse statement "in all democracies" —I speak from memory—"minorities should have abnormal representation in order to have their special interests protected." Here, in this Council, there is the fact that the Anglo-Indian community has, in the natural course of things, an abnormal representation for the reason that it is a minority community. We hear the Swaraj people talk loosely of a Hindu-Moslem pact such as the proposer of the resolution has given expression to. We, Anglo-Indians can well imagine what our future will be if their so-called party programme were to come into effect, for we as a minority community would be left out of account altogether. Under the present system of Government we are given adequate representation in this Council. In a Hindu-Moslem pact we, though sons of the soil, may be painfully left out in the cold. I, therefore, on behalf of my community, very emphatically protest against this resolution being passed in this Council.

Mr. F. E. JAMES: I should like in a few words to express the views of the European members of the Council in regard to this resolution.

The question of communal representation is one that always rouses difficulties in legislative bodies. To those who have been brought up in the institutions of England, the whole principle of communal representation appears to be inimical to progress and the development of democratic institutions. We do, however, recognise that in the

special circumstances in India, communal representation is, for the time being at any rate, an essential feature of the political system and there is a great deal to be said for the argument that through the strengthening and development of communal interests by communal representation an India wide unity will more rapidly be ultimately reached.

I would like to express on behalf of the European members of the House our sympathy with the aspirations of the Muhammadans to have adequate representation in these Councils. But we find ourselves unable to support the resolution as it stands. If the resolution as it stands were accepted my own community would, as far as this body is concerned, be practically wiped out. (Laughter.) Yes, that might not be altogether unwelcome to certain members of the House, but as a representative of my community, it is quite obvious that I cannot support such a proposition. What we do say is this: that provided adequate representation is given to minorities such as Europeans, Anglo-Indians, Indian Christians, and also to special interests which have helped to build up much that is good in India—if adequate and sufficient representation is given to these minorities and these interests, the other question would not disturb us greatly; but as the resolution stands it is impossible for us to support it. My suggestion would be either that the mover of the resolution withdraw it in its present form, or that he do not press the matter to a division.

SHAH SYED EMDADUL HAQ spoke in Bengali. The English translation of which is as follows:—

A resolution very nearly the same as the present stands in my name in item No. 99 of the agenda.

Hindu members have raised objection to the resolution. They object to communal representation though it has been accepted by the Congress according to the Lucknow Pact. Are not Hindus demanding representation on population basis in some of the provinces where they are in a majority?

On this occasion we might appropriately mention the Bengal Hindu Moslem Pact, which accepted the principle of representation on population basis, but postponed taking action under it till the attainment of Swaraj. This promise satisfied only those who had full faith in the attainment of Swaraj, while the rest of the people were finding fault with it. It was explained in reply to the critics that obstruction being the policy of the Swarajists they could not ask Government to give effect to the principle; so they had nothing to do but to wait till the attainment of Swaraj.

The Swarajists, however, no longer uniformly follow the policy of obstruction; some of them have even voted with Government. Did they not, in the case of the Tenancy Act Amendment Bill vote *en*

masse with Government? There is no reason then, why our Hindu brethren should be unwilling to give effect to the Pact or why they should try to talk away the claim made by others.

If the Deshbandhu who was the chief author of this Pact was living the resolution would have been passed by the House without a division. As it was pointed out by him there cannot be any friendship between unequal persons and it is the duty of the Hindus to make every effort and every sacrifice to raise the Moslems to a position of equality with them, so that the foundation of Swaraj may be firmly laid. Mere speeches for Swaraj without any regard to the real need of the situation will not achieve anything beyond aggravating it further.

Before resuming my seat I remind my Hindu brethren that the delay in giving effect to the terms of the Bengal Pact by the Swarajists when they have given up their policy of consistent obstruction is producing an impression that the Pact is nothing but bluff. It is only by voting for the resolution that they can restore confidence and good will among the Moslems and promote the cause of Swaraj. I may also warn them that in this particular case the Moslem members of the Swarajya Party will not obey their Hindu leader. A few of them may vote against the resolution but it is giving them much food for reflection. Our Hindu brethren should also carefully weigh the matter. No argument will satisfy the Moslems when they have opposed this resolution.

Mr. S. C. MUKERJI: Mr. President, Sir, in this matter I should like to make the position of the Indian Christian community clear. This matter has been thrashed out off and on by my community in different parts of the country, as also at an All-India Conference of Indian Christians. The trend of the majority is against communal representation as detrimental to the best interests of the country and my community is prepared to yield in the matter of communal representation, if by giving in it will mean advancing national solidarity in the country. Situated as we are, communal representation is the order of the day, and if this resolution were given effect to, then my community, which is third in numerical strength in India and which is one of the most advanced communities in literacy, ought to get more representation than the Anglo-Indians and the Europeans. Take for example, Bengal. We are four times numerically stronger than the Anglo-Indian community. I made it perfectly clear in my evidence before the Southborough Committee. If the principle underlying this resolution were given effect to, then we ought to get much larger representation in this Council than either the Anglo-Indian community or the European community, but like the Syro-Phœnician woman in the Gospel we are simply getting the crumbs that fall from the table.

Our position is either give up communal representation altogether in the interests of the country and we as a community shall yield and give up all claims for communal representation, but if it is said that in practical politics it is an impossibility at the present moment, then my community may reasonably ask for adequate representation in this matter

Maulvi A. K. FAZL-UL-HUQ: Sir, I tried to listen very carefully to what was being put forward by the mover of the resolution, but unfortunately owing perhaps to my disadvantageous geographical position in the House I could not hear anything except a few "buts" and "ifs" and the words "communal representation". I take it that the speaker has made out a case for the communal representation of Muhammadans on the strength of population in the province. Sir, as one of the signatories to the now famous Lucknow Pact—a pact to which reference has been made by Babu Amulya Dhone Addy—I wish only to say that the principle of communal representation has been repeatedly accepted even by the Indian National Congress, whatever may have happened recently at Coconada or elsewhere. I may remind Mr. Addy that had it not been for this Lucknow Pact there would have been no Reforms in India. It is because of the Pact and because of the fact that we were able to present in England a united demand from the various communities in this country that the British Government were induced to yield to us the Reforms which we have to-day and on account of which Mr. Addy occupies his position in the Council at the present moment. Now, Sir, I tried to point out to Mr. Addy——

Mr. PRESIDENT: Maulvi Saheb, please make it as impersonal as possible.

Maulvi A. K. FAZL-UL-HUQ: I was going to reply to certain passages of his speech. He has objected to communal representation on principle and representation on the principle of numerical strength I tried to remind him while he was speaking that that principle had been accepted already: the only question that is open to us is the question of the quantity of representation of different communities in this province. As to that I need hardly say that so far as the Muhammadans are concerned, I shall be very pleased to see representation being granted on the strength of their population in the province. But at the same time we feel that the Muhammadans are not the only community in the province. There are important interests—commercial and otherwise—European interests, Anglo-Indian interests and the Christian interests. I support this resolution on principle so far as it seeks to give us representation according to population, but at the same time there should be some provision for adequate and just representation of minorities and of special interests. I support the principle and if it goes to division, I will vote for it subject to that reservation.

The Hon'ble Sir HUGH STEPHENSON: Sir, the resolution as it stands on the paper is, as has been pointed out, somewhat vague. It is not altogether clear how far this proportionate representation is intended to go, but I take it that we may assume that the mover's object is, generally speaking, to increase the representation of the Muhammadans in this Council in accordance with their numerical strength. Well, Sir, as has already been stated, the Lucknow Pact took place in 1916. When the Southborough Commission came out here to revise the system of franchise on which the present Council was based, they found that the Lucknow Pact was in existence. They also found the Montagu-Chelmsford Report in existence, and this, while deprecating communal representation, admitted that in the present circumstances it was necessary, though it looked forward to the time when it would be no longer necessary.

The Franchise Committee took evidence in India, the bulk of that evidence was directed towards advising them to adopt the Lucknow Pact and they came to the conclusion that any deviation from the Lucknow Pact would revive in an intensified form the controversies which they hoped that the Pact had done much to conciliate. They, therefore, in their proposals for representation in Bengal adopted the principle of the Lucknow Pact and their proposals under it gave the Muhammadans 40 per cent. of the elected seats.

Mr. A. C. BANERJEE: All over India?

The Hon'ble Sir HUGH STEPHENSON: No, over Bengal only.

The Government of India did not altogether accept this position and they recommended that the Muhammadan representation in Bengal should be upon a population basis, and they proposed a proportion of 52 per cent. of the elected seats. All the reports and papers were laid before the Joint Committee at Home and the Joint Committee after considering the question recommended that the Franchise Committee's report should be supported and that the Lucknow Pact of 40 per cent. should be given effect to. Parliament adopted that and that is the present position. The Joint Committee said in their report that they considered that no large alteration should be made in the constitution until after the Statutory Commission had been appointed and Parliament accepted that position.

When the question was raised shortly after the Reforms came into operation the Government of India definitely stated that they considered, and the Secretary of State considered, that the matter of Muhammadan representation in the Councils was closed until the Statutory Commission was appointed. That is our position and for that reason Government cannot accept this resolution and cannot vote for it. We regard the matter as closed until it is re-opened by the Statutory Commission.

As regards its merits we express no opinion whatever; Government do not wish to give any views whatsoever about the merits of this proposal or of the proposed proportion of the elected seats in the Council. We have an open mind and propose to keep an open mind until the question is re-opened by the Statutory Commission. Meanwhile we do not feel that we can accept this resolution and address the Government of India for altering the constitution.

Mr. PRESIDENT: Sir Abd-ur-Rahim has handed over to me a notice of amendment which runs as follows: "That the following words should be added at the end of the original motion 'with a just and proper representation of minorities and commercial interests'." Does any member object to this amendment?

(Many Swarajist members objected.)

Mr. PRESIDENT: Under Standing Order No. 68 I might exercise my power and over-rule the objections but as there have been so many objections I think I should not suspend that Order.

Sir ABD-UR-RAHIM: May I be allowed to say a word, Sir, by way of personal explanation why no amendment was sent in time so far as I am concerned? I received the list of resolutions only the day before the meeting of the Council; I do not know what happened but I think it must have miscarried and so I could not have time to send in any amendment to the resolution. That is my only excuse and if you, Mr. President, take that into consideration, I hope you might see your way still to allow me to move my amendment.

Mr. PRESIDENT: Personally I do not see any objection to its admission because the House as a whole will have an opportunity of voting it down if they like, but the thing is that it is a very important motion and a particular community is concerned in the matter: I think I should not stick to the rule. I suspend the Standing Order and allow this motion.

Maulvi Md. NURUL HUQ CHAUDHURY: I rise to a point of order. According to the rule if anybody objects to the admission of an amendment which has been put without notice then generally that amendment is not allowed and if those gentlemen who want to put in such amendments——

Mr. PRESIDENT: Is that a point of order, Maulvi Saheb?

Maulvi Md. NURUL HUQ CHAUDHURY: My point of order is that you cannot allow this amendment in any way.

Mr. PRESIDENT: Have you seen section 77 of the rules which lays down as follows:—

If a copy of such an amendment has not been sent to the Secretary seven days before the date fixed for the discussion of the resolution any member may object to the moving of the amendment and such objections shall prevail unless the President in exercise of his power to suspend this order allows the amendment to be moved.

In this particular case I allow the amendment to be moved.

Maulvi Md. NURUL HUQ CHAUDHURY: It is the arbitrary power of the President that is doing it.

Mr. PRESIDENT: Would Maulvi Md. Nurul Huq Chaudhury repeat it? (After a pause) I ask Maulvi Nurul Huq Chaudhury to repeat what he has just said. (Pause.) I request again Maulvi Md. Nurul Huq Chaudhury to say what he has just said.

Maulvi Md. NURUL HUQ CHAUDHURY: I said it is the arbitrary power of the President.

Mr. PRESIDENT: I request the hon'ble member to withdraw what he has just said. It is a serious reflection against the President.

(Maulvi Md. Nurul Huq Chaudhury not withdrawing his remark.)

Mr. PRESIDENT: I am of opinion that the conduct of Maulvi Md Nurul Huq Chaudhury has been grossly disorderly. I accordingly direct that he will withdraw immediately from the Council, and I further direct that he shall absent himself during the remainder of the day's sitting

Maulvi Md. NURUL HUQ CHAUDHURY: Thank you very much. Do what you like.

(Cries of "Shame", "shame".)

Mr. PRESIDENT: As I am of opinion that the conduct of Dr. Kumud Sankar Ray is grossly disorderly in crying out "shame, shame" to the face of the President, I direct that he will immediately withdraw from this Council and I further direct that (cries of "Shame", shame") he shall absent himself during the remainder of the day's sitting.

Mr. J. M. SEN GUPTA: I do protest against this childish action of the President in turning out member after member for crying out "Shame, shame". I think to cry out "Shame" is a legitimate act and this is done even in the House of Commons. I do object to this kind of behaviour on the part of the President.

Mr. PRESIDENT: I request Mr. J. M. Sen Gupta to withdraw the remark that he has made against the action of the President as "childish".

Mr. S. N. HALDAR: It is nothing but childish.

Mr. J. M. SEN GUPTA: I refuse to withdraw.

Mr. PRESIDENT: As I am of opinion that Mr. J. M. Sen Gupta's conduct has been grossly disorderly (cries of "Shame", "shame") he will withdraw immediately from the Council and I further direct that he shall absent himself during the remainder of the day's sitting.

Mr. A. C. BANERJEE: I also protest against what has been done by the President. I say that his conduct has not only been childish but unworthy of his office.

Mr. PRESIDENT: I request Mr. A. C. Banerjee to withdraw the remark that he has made.

Mr. A. C. BANERJEE: Not a bit of it. I am off.

Mr. PRESIDENT: As I am of opinion that the conduct of Mr. A. C. Banerjee has been grossly disorderly, I direct that he will immediately withdraw from the Council and I further direct that he shall absent himself during the remainder of the day's sitting.

(Cries of "Shame", "shame".)

Dr. J. M. DAS GUPTA: The President's conduct has been almost insane.

Mr. PRESIDENT: I request Dr. J. M. Das Gupta to withdraw the remark that he has just made.

(He refused to withdraw and left the Chamber.)

Mr. PRESIDENT: As I am of opinion that Dr. J. M. Das Gupta's conduct has been grossly disorderly I direct that he shall immediately withdraw from the Council and I further direct that he shall absent himself during the remainder of the day's sitting.

The debate will now proceed, and I now ask Sir Abd-ur-Rahim to move his amendment.

Sir ABD-UR-RAHIM: I beg to move as an amendment to the resolution that has been moved by Maulvi Abdul Gafur that at the end of the printed words these words be added "with just and proper representation of minorities and of commercial interests".

Before moving this amendment I hope, Sir, you will allow me as representing a body of Muhammadan members of this Council and also on behalf of others who are at the present moment in this House, to say

that it is extremely regrettable that some hon'ble members should have forgotten themselves and taken objection to the ruling of the President which was in strict accordance with the law. We have seen a scene here to-day which does not reflect the least credit on Bengal, or at any rate on some of her representatives in this Council. No fair-minded man, no well-wisher of this province, no man who wishes in all sincerity to see responsible Government well and firmly established here can but feel the greatest sorrow—almost humiliation—at the scene that has been enacted here this afternoon. I beg to assure you, Sir, that you have our hearty support here.

As regards the amendment, it is only a matter which but for an oversight would have been brought to the notice of the Council in proper form and in due time, it was not through any neglect on my part but it was through an accident, that it was not.

As regards the principle of communal representation there is really no dispute now so far as this House is concerned, except perhaps one hon'ble member who sits on my right (Babu Amulya Dhone Addy) who is a staunch believer in plural voting and naturally he thinks that the country should be represented solely by men who pay the largest rates and taxes.

I do not wish to say anything in spite of what has occurred just now which will raise controversy, but so far as the Lucknow Pact is concerned I wish to point out this that when it was arrived at in 1916 there was then no question of Government Government responsible to the legislature chosen by the people. That being so, the representatives of Muhammadans and other communities did not attach so much importance to their numerical strength in some of the provinces as otherwise they would certainly have done. We, the Muhammadans seek no undue advantage for ourselves, but all we do wish is to safeguard our interests. We are ready to concede the same to all other communities similarly situated. The Muhammadans happen to be in a numerical majority in Bengal and in the Punjab. In the rest of India they are undoubtedly in a minority, but even in Bengal and the Punjab what is the majority? It is a majority of 4 or 5 only out of 100 seats. But any one who knows anything about the working of representative Government will not for a moment think that it is possible for a majority of that character to carry on the Government defying the wishes of the minority. It is impossible. So far as the Punjab and Bengal are concerned, there is not the least apprehension that if the Muhammadans were in a majority according to their numerical strength, they would be able to defy what is reasonable and just with respect to other communities' interests. We have always recognised that in the peculiar circumstances which do exist in India which cannot be denied, it is necessary that the interests of the minorities must be properly safeguarded; special interests such as commercial

interests which are very large and important and which are represented by our European friends ought also to be safeguarded. We also recognise fully that the interests of the Christian community ought to be represented and so also the interests of the Anglo-Indian community. So far as we are concerned, we are not open to the charge that we are seeking our own self-interests at the sacrifice of the interests of other communities. As has been pointed out, but for the Lucknow Pact we should never have got the Reforms. I have said on other occasions that unless we can modify that Pact in accordance with the principle which is enunciated in this resolution as amended, it will not be possible for India to get on further on the path of self-government. It has been said by some eminent Hindu politicians that what we are seeking is: "Heads we win, tails you lose"—this is a mere travesty of our position. We are asking for two most important principles; one is the democratic principle, *i.e.*, the representation of the people according to their number and not mere wealth—that is the first democratic principle that underlies the resolution, but that is to be modified, because in the peculiar circumstances of India there is no such thing as one people with one common social life; the people are unfortunately so divided that we have to recognise the existence of different communities. It is not the fault of the Muhammadans and in fact this has been the creation of ages, and it still exists; and so long as it exists and so long as the different communities do not feel themselves as one and do not consider their interests as one, we must have separate representation for the different communities. The second principle is equally important and is recognised now by all civilised legislatures that the interests of important minorities should be safeguarded. These are the two general principles upon which we, the Muhammadans, base our claim, and I do say that these principles cannot be assailed.

The Hon'ble Sir Hugh Stephenson, on behalf of the Government, has said that the Government of Bengal has an open mind on this question, and he did not express any opinion on the merits of the resolution, because the question cannot be settled except by the next Statutory Commission. Sir, I cannot help saying that this attitude of the Bengal Government is reasonable and the only attitude that can be taken by them in the circumstances of the case. You cannot amend the electoral rules of Bengal at once, without setting an example to the rest of India—this question has to be considered by India as a whole; and it has therefore to be dealt with in that spirit. All that I wish to say is this: what the Hon'ble Sir Hugh Stephenson has mentioned—and I may repeat, it is that the Government of India themselves, when the Franchise Committee was sitting, admitted that it was only just and proper that 52 per cent. of the seats should be conceded to the Muhammadans—I suppose that according to the then census the percentage was 52, but it has now fortunately gone up to something like 56 per cent. I do therefore hope that so far as the Government of

Bengal is concerned, they will recognise that our demand is just as the Government of India themselves conceded before the Reforms were started. I am sure that the opinion of the Government of India will receive due weight at the hands of the Government of Bengal, and that the European members and the members of the Liberal Party here will support this resolution as now amended with your permission.

Maulvi EKRAMUL HOQ: When my hon'ble friend Babu Amulya Dhone Addy rose he rose to strongly oppose the motion, and I on my turn rise to most strongly support the resolution as amended by Sir Abd-ur-Rahim. We in India do want that we should gradually go on the path of progress and attain self-government in the land, and as such the one attitude which we all ought to adopt is the attitude that we should at all times be just to any and everybody and particularly to the important minorities that we have in our beloved motherland. The fact that we Muhammadans in Bengal are in a majority should not elate us to such an extent as to say that those who are in the minority should have no power in the administration of the country. On the other hand it is the duty of everyone of us as reasonable beings to see that the atmosphere of confidence and goodwill prevails in the land. If we are to say that we want representation according to our population and that no other interests should be represented except on population basis and that Government should not decide our disputes, and the voice of the majority should prevail, then in that case we may be accused of trying to deprive away the small minorities that inhabit the country. This cannot be our attitude and I feel confident it cannot be the attitude of any Muhammadan if he is worth that name. The one thing we want is this, that we should have justice and we, in our turn, cannot but always be just to everybody with whom we come in contact and every community with whom we live. This has been our tradition and this ought to be the practice with every Muhammadan worthy of the name of Muhammadan. As far as the question of communal representation is concerned, there cannot be any question that this was a measure of necessity. This was enacted because of the conditions under which the Muhamadans and other minorities found themselves. This was how this necessary evil has come into existence, and I can assure the House that it will not be before long that we Muhammadans and other important minorities, will in one voice say that we do not at all want communal representation and that we are quite fit to go to the general electorate and ask for votes. That time is not very long in coming. This is a measure which if accepted and followed will create confidence in the heart of everyone that inhabits Bengal, because Swaraj does not mean the Swaraj of the educated classes, it does not mean the Swaraj of the zemindars nor the Swaraj of my friend of the Mahajan Sabha, but it means the Swaraj that will give real Swaraj to the people of the country. If this is the Swaraj we want then we must let everyone

feel that in our actions everyone of us will be absolutely just; there should be no complaint that any particular individual or a class carrying on the administration of the country can act unjustly to anybody We should work to bring about the bestowal of self-government for the people of this country. This is what we want and this is what we ought to attain and by agreeing to give the Muhamadans their proper share of representation we shall demonstrate to the world that we have given up the game of settled fact and that might is not right. Let usurpation give place to Justice. We must protect the minorities and must see to it that European, Indian Christians, Anglo-Indians and all minorities join with the majorities and put their shoulder to the wheel and see self-government established in our motherland.

Maulvi SAYYED SULTAN ALI: I have a resolution similar to the one under discussion. My resolution is No. 97 and I think it is not likely to come up for discussion. I think it my duty to express my opinion regarding that aspect of this resolution which agrees with my resolution. I have demanded in that resolution only representation of the Muhammadans in proportion to their population, but the resolution now before the House and under discussion is wide enough to include the interests of different sections of the people of Bengal. So far as I understand communal representation is an evil no doubt, but it is a necessary evil, and those who are opposed to communal representation ought to analyse and go to the very root of this evil. Why was it that when the Hindus and the Muhammadans of India demanded self-government, the Muhammadans wanted to protect their interests by separate representation? If we analyse the situation we can clearly find that our Hindu brethren on account of their short-sighted and narrow-minded policy are always in the habit of appropriating to themselves whatever little advantage can be obtained from Government. (Question, question.) That gave rise to a legitimate fear on the part of the Muhammadans and induced them to come to certain understandings and enunciate certain principles to protect their own interests by separate representation. If anybody is responsible for this I must frankly say that our Hindu brethren are solely responsible. If they had shown that generosity which is expected of them, if the Muhammadans received brotherly treatment, fairness and justice from the Hindu community, no question of protecting their interests by separate representation would have at all arisen. The question is clear and the principle of communal representation has been accepted; there cannot be any objection to that principle now, nor would anyone be wise in opposing it. The only point of difference between us is this, that at that time 40 per cent. was fixed by the Lucknow Pact whereas our demand is that it should be according to our population. There was a reason for such an arrangement between the two communities then. At that time it was felt that when the Bengal Muhammadans gave up a portion of their claim the Muhammadans of

other provinces who formed a minority, would get a little more, and that would be of some help to them; but in the course of a few years' experience it has been found that minorities always remain minorities; it does not help them in the least by giving them 2 or 3 per cent. more by curtailing certain portion of our rights. They will remain in the minority always. On the other hand what practically happens is that in Bengal and in the Punjab where Muhammadans are in the majority, have remained in the minority. That is the position to-day to which every reasonable Muhammadan takes exception, not only in this province but in other provinces as well. We have come to learn that those who enjoyed a few more seats in other provinces at the sacrifice of the Bengal and the Punjab Muhammadans are also willing to forego their claim so that Bengal and the Punjab may be in the majority. They have clearly felt that the advantage which they are now deriving at the sacrifice of Bengal and the Punjab is merely illusory, and that they practically derive no advantage in any way. What I find to-day is that the Hon'ble Sir Hugh Stephenson has said that the Government of Bengal is open-minded on the subject, it is willing to consider the legitimate claims of the Moslems, the European members have expressed their willingness to support the resolution, the Anglo-Indians and the Indian Christians have done the same; it is the Hindus only who want to oppose it. Under the circumstances I am constrained to observe that the blame which is always laid by our Hindu brethren at the door of Government, that the Government adopt the principle of divide and rule is unjustified, and instead of laying that blame at the door of Government they should thank themselves and realise that the breach is created by them and not by Government.

With these words I commend the resolution on the acceptance of the House.

Mr. E. VILLIERS: I move that the question be now put.

Mr. PRESIDENT: I shall first adjourn the House for prayer.

[At this stage the Council was adjourned for 10 minutes.]

(After the adjournment.)

Rai Sahib PANCHANAN BARMA: Sir, I beg to say a few words on the resolution and also on the amendment. In the amendment two points have been enunciated by Sir Abd-ur-Rahim. One is that representation should be made in proportion to population. Another is that the interests of the minorities should be protected. I think Sir Abud-ur-Rahim is entirely wrong as regards representation according to numerical strength. What is the numerical strength of the commercial community? They have a large representation and why? Because they have a large stake in the country. They have got to protect their interests and properties. If that is the case then this principle ought to be taken into consideration to determine the number of representatives of different communities. Along with the number of population the

amount of interest should also be taken into consideration. Sir, not only the question of population, not only the question of minorites, but we should also consider the amount of interests that have got to be protected.

There is also another thing which ought to weigh in this matter. In Bengal, the Muhammadans are 52 per cent. of the total population, and I think the number will increase when Sylhet comes to Bengal. There will be a proportionate reduction in the number of Muhammadans in Assam. What will be the position of Muhammadans in Assam? That should be considered also.

I beg to submit that in provinces like the Central Provinces and in some other provinces they are the gainers. They get representation larger in proportion to the number of their population. This question is one which concerns the whole of India. The principle according to which representation should be given is to be determined not by this Council, but by the whole country. I remember to have read in the newspapers that Mr. Jinnah asked for proportionate representation in provinces where the Muhammadan population preponderate; but in provinces where the Muhammadans were in the minority, he asked for effective representation. I do not understand what he means by effective representation. So far as I understand, they want more representation than they are entitled to. They claim full representation in provinces where they preponderate, and they want more representation than what the strength of their population would warrant in provinces where they are in the minority. So I say that if any principle is to be followed, it should be followed throughout India and not in one province only. With these remarks I beg to oppose the resolution as also the amendment.

Mr. E. VILLIERS: I move that the question be now put.

Mr. P. N. CUHA: Sir, Mr. Addy and Rai Sahib Panchanan Barma and one or two other gentlemen belonging to the Liberal Party, of which the leader is absent, have opposed the resolutoin. Unfortunately my party cannot devise any means of going out over this resolution. We have no party mandate over this question. The remarks of those members are entirely personal.

Dr. H. W. B. MORENO: On a point of personal explanation, Sir. In view of the amendment moved by Sir Abd-ur-Rahim. I support the resolution.

The Hon'ble Sir HUGH STEPHENSON: Sir, I will say only one word to close the debate. I should like to make the position of Government sufficiently understood on this question. Government take up no attitude whatever with regard to this question. We have an entirely open mind about it. We shall, therefore, in order to avoid misunderstanding, go to neither of the lobbies; but I want the House to understand that we do regard this matter as closed until the Statutory Commission is appointed.

The amendment of Sir Abd-ur-Rahim that the following words be inserted at the end of the resolution, *viz.*, "with just and proper representation of minorities and commercial interests" was put and agreed to.

The following amended motion was then put and agreed to:—

"This Council recommends to the Government that the proper authorities be approached to so amend the Bengal Electoral Rules that the election of representatives to the Bengal Legislative Council be proportionate to the numerical strength of the different communities of this province with just and proper representation of minorities and commercial interests."

The Hon'ble Sir HUGH STEPHENSON: Sir, may I be permitted to make a suggestion in view of the incident of this afternoon, in which, I assure you, you have the full support of the House? We are now dicussing private business and the empty benches are somewhat disconcerting. I would suggest that the meeting be adjourned to-day.

Mr. PRESIDENT: I think I will accept the suggestion of the Hon'ble Leader of the House.

Adjournment.

The Council was then adjourned till 3 P.M., on Friday, the 19th February, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 19th February, 1926, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council and 68 nominated and elected members.

Starred Questions

(to which oral answers were given.)

Retrenchment in the Calcutta Port Trust.

***XLII. Babu BORODA PROSAD DEY:** (*a*) With reference to the answers to the starred question No. LXIX of the 9th December, 1925, will the Hon'ble Member in charge of the Marine Department be pleased to lay on the table a statement showing—

(*i*) the names of the assistant harbour masters, assistant engineers and personal assistants whose services were retrenched;

(*ii*) the dates of their appointment;

(*iii*) the dates of their retrenchment; and

(*iv*) the amount of bonus, provident fund or pension sanctioned for them in each case?

(*b*) Is it a fact that the retrenchment operation in the Calcutta Port Trust was mainly directed to the Indian staff?

(*c*) Are the Government considering the desirability of making a thorough inquiry and of stating as to whether there have been other cases of increased emoluments, besides the two mentioned in the answer, in the shape of allowance, revision of grades and revival of post?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) Government are not in possession of information regarding these details.

(*b*) The member is referred to the figures given in reply to starred question No. LXIX in the last meeting of this Council.

(*c*) No.

Portland Park Quarters for Officers of Calcutta Port Trust.

***XLIII. Babu BORODA PROSAD DEY:** (*a*) With reference to the answers to the starred question No. LXX of the 9th December, 1925, will the Hon'ble Member in charge of the Marine Department be pleased to state whether the amount of Rs. 14,67,144 includes the costs of reclamation of land and of furnishing the quarters?

(*b*) If not, what were the costs in each of these two matters?

(*c*) Will the Hon'ble Member be pleased to state whether the amount of Rs. 85,928 includes the sinking fund for the loan?

(*d*) If not, what is the said amount?

(*e*) Are the Government considering the desirability of calling for and laying on the table a statement showing the names of the officers at present occupying all the quarters of the Calcutta Port Trust with the respective amounts of their salary, and the rents recovered from each of them?

(*f*) What do the Government propose to do so that there be no deficit between the annual maintenance charges for these quarters and the rents realized from the occupiers thereof?

The Hon'ble Mr. J. DONALD: (*a*) No.

(*b*) Reclamation—Rs. 1,10,828. Furnishing—Rs. 10,113. (The Commissioners furnished the Chummery only.)

(*c*) No.

(*d*) Rs. 5,868 per annum.

(*e*) No.

(*f*) One house is occupied by an officer entitled to free quarters. For the other houses the occupant is charged 10 per cent. of his salary as rent, and for the Chummery the occupants are charged 12½ per cent. of their salary as rent. Government do not propose to suggest that higher percentages should be charged.

System of nominating Commissioners for appointment by Government by elected Commissioners of Municipalities.

***XLIV. Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether in any of the divisional areas the elected Commissioners of Municipalities are given the choice of nominating the Commissioners to be appointed by the Government for such Municipal Boards?

(b) What divisions or districts enjoy such privilege?

(c) Why is not the same procedure followed in all the divisions?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (a) and (b) The municipalities of Comilla, Chandpur and Jessore have enjoyed this privilege.

(c) The system was introduced as an experiment in certain municipalities. It did not prove a success and it has not been extended.

Designations "Mr." and "Babu" before the names of officers of Imperial and Provincial Service.

***XLV. Maulvi ABDUL GAFUR:** (a) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that the officers of the Provincial Services are officially designated as "Babus" and those of the Imperial Services as "Messrs." and are gazetted as such?

(b) Is it a fact when the officers of the Provincial Services are posted as Additional District Magistrates or Additional Sessions Judges or are promoted to the Imperial Services they are officially designated as "Mr." and are gazetted as such?

MEMBER in charge of APPOINTMENT DEPARTMENT. (the Hon'ble Sir Hugh Stephenson): (a) Officers of the Provincial Services are ordinarily designated "Maulvi" or "Babu", unless they are Christians or have established personal reasons to be designated "Mr."

(b) This has been the custom.

Election of Chairman, Noakhali District Board.

***XLVI. Maulvi SAYEDUL HOQUE:** (a) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether the salaried servants of the Government took active part in the election affair of the Chairman of the Noakhali District Board on the 4th December, 1925, and canvassed for any particular gentleman?

(b) Is it a fact that the President of the Noakhali District Board meeting on the 4th December, 1925, returned an unsigned voting paper to Maulvi Abdul Gofran for his signature just before counting after all the members took their seats after the submission of the voting paper?

(c) Have the Government taken any action on the receipt of the complaint by Maulvi Rezzaqual Haidar Chaudhury?

(d) If so, what action has been taken?

(e) What is the result of the action taken?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (a) Allegations have been made against certain officers in connection with the election of the Chairman of the Noakhali District Board and Government are inquiring into the matter.

(b) It is a fact that the President returned an unsigned voting paper to Maulvi Abdul Gofran, but it is not altogether certain when the incident actually occurred.

(c), (d) and (e) Government have decided to set aside the election and have issued orders for a fresh election.

Alleged death of one Nagendra Kuri at the hands of dacoits.

***XLVII. Maulvi ABDUR RASCHID KHAN:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that one Nagendra Kuri, of Kutirhut, thana Sonagazi, in the district of Noakhali, was shot dead by dacoits while he was following them some two months ago?

(b) Have the Government received any petition on behalf of Nagendra Kuri's mother and widow for their maintenance?

(c) If so, what steps are in the contemplation of Government to support the mother and the widow of the said Nagendra Kuri?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (a) Government have no information.

(b) No.

(c) The question does not arise.

Civil jurisdiction of certain thanas of the 24-Parganas district.

***XLVIII. Dr. BIDHAN CHANDRA ROY:** (a) Is the Hon'ble Member in charge of the Judicial Department aware that a largely-signed petition was submitted by the inhabitants—both European and Indian—living within the jurisdiction of Jagatdal, Naihati and Kanchrapara police-stations, in the district of the 24-Parganas, to the District Judge, 24-Parganas, Alipore, praying that civil suits arising

within that jurisdiction may be tried at Sealdah instead of at Baraset, as at present?

(*b*) Are the Government going to take any steps in the matter?

(*c*) If so, what steps are proposed to be taken?

(*d*) Is it a fact that the Government intend establishing a Civil Court at Barrackpore for the trial of cases arising within the area noted in (*a*) and also those arising within the area now included in the Second Munsif's Court at Sealdah?

(*e*) If so, when is the scheme going to be put into execution?

(*f*) What would be the jurisdiction of the Civil Court at Barrackpore?

(*g*) Have the Government considered the advisability of having the civil suits arising within the jurisdiction of the area noted in (*a*) tried at the Civil Court at Sealdah?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) Yes.

(*b*) and (*c*) Government are advised that a Munsif's Court at Barrackpore would serve the needs of the people better and they accordingly contemplate opening a munsifi there.

(*d*) See answer to (*b*) and (*c*).

(*e*) As the scheme involves new expenditure there will be some delay in putting it into effect.

(*f*) and (*g*) These are under consideration.

Dacca Mail disaster case.

***XLIX. Mr. D. N. ROY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether any case, civil or criminal, has been instituted in any court of law with reference to the Dacca Mail disaster which occurred in the early morning of Friday the 16th October, 1925?

(*b*) If so, what is the nature of the case?

(*c*) Against whom and in which court has it been instituted?

(*d*) Will the Hon'ble Member be pleased to lay a copy of the judgment on the table?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes, a criminal case was instituted against the Assistant Station Master and the Gunner.

(*b*) to (*d*) A copy of the judgment of the Magistrate is laid on the library table.

Retrenchment in services.

*L. **Mr. TARIT BHUSAN ROY:** Will the Hon'ble Member in charge of the Department of Finance be pleased to state the number of posts retrenched as a result of the decision on the recommendation of the Bengal Retrenchment Committee in—

(*i*) subordinate services, including ministerial appointments; and

(*ii*) higher services?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): A statement showing the action taken in regard to the various recommendations of the Retrenchment Committee has already been supplied to all members of the Legislative Council; the collection of the information in the form required by the Hon'ble Member will involve labour incommensurate with its value.

Unstarred Questions

(answers to which were laid on the table.)

Slaughter of cows.

33. **Babu AMULYA DHONE ADDY:** Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state the number of bullocks, cows and calves slaughtered in Calcutta and other districts of Bengal in the several slaughter houses thereof during the last three years respectively?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The information is not readily available. The time and labour involved in collecting it would, in the opinion of Government, be disproportionate to its value.

Babu AMULYA DHONE ADDY: It appears from the answer that the information is not readily available. May I ask as to when the information may be available?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I would refer the member to the second part of my answer.

Babu AMULYA DHONE ADDY: May I have an idea of the cost of the preparation of this information and statistics as asked for.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have nothing further to add to my answer.

Babu AMULYA DHONE ADDY: May I ask whether the indiscriminate slaughter of bullocks has seriously affected the agriculture of Bengal, and has caused an increase in the price of food-grains——

Mr. PRESIDENT: Order, order; that question does not arise at all.

Babu AMULYA DHONE ADDY: May I ask whether the indiscriminate slaughter of calves——.

Mr. PRESIDENT: Order, order; that also does not arise at all.

Sub-Registry office at Chandina.

34. Maulvi ASIMUDDIN AHAMAD: (*a*) Will the Hon'ble Member in charge of the Department of Education (Registration) be pleased to state whether there is any proposal before the Government to establish a sub-registration office in police-station Chandina, in the district of Tippera?

(*b*) Has the establishment of a sub-registration office been decided upon?

(*c*) Is it a fact that the said sub-registration office is to be established at Jhalom instead of Barurahazar?

(*d*) If so, what are the reasons for selecting Jhalom?

(*e*) Have the Government investigated as to the suitability of the two places for the purpose?

(*f*) If the answer to (*e*) is in the negative, are the Government considering the desirability of looking into the matter?

MEMBER in charge of DEPARTMENT of EDUCATION [REGISTRATION] (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) There is at present no proposal before Government to establish a Sub-Registry office in police-station Chandina, in the district of Tippera. There is already a Sub-Registry office at Chandina.

(*b*) to (*f*) These do not arise.

Government cases and Muhammadan pleaders of Howrah Bar.

35. Maulvi ZANNOOR AHMED: (*a*) With reference to the reply given on the 9th December, 1925, to my unstarred question No. 70, will the Hon'ble Member in charge of the Judicial Department be

pleased to state why no Muhammadan pleader was given any brief at the Howrah Bar?

(*b*) Will the Hon'ble Member be pleased to state the number of the Muhammadan pleaders at the said Bar?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) The member is referred to the answer given to unstarred question No. 5 put by Maulvi Kader Baksh, M.L.C., on the 16th instant.

(*b*) As far as is known to Government, there are only five Muhammadan pleaders at Howrah.

Copyists and typists of Courts.

36. Maulvi ZANNOOR AHMED: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the greater number of typists and copyists of courts in Bengal are not getting increased remuneration according to the prescribed rate mentioned in the High Court's General Letter No. 8, dated the 23rd June, 1924?

(*b*) Is it a fact that these copyists and typists have submitted memorials to the Government for an increase of their remuneration and for organising them into a paid staff?

(*c*) If so, what is the decision of the Government on those memorials?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Detailed inquiries are being made as to the rate of remuneration now being earned.

(*b*) Some such memorials have been received.

(*c*) No decision has yet been arrived at [*vide* answer to (*a*).]

Eligibility of election of a guardian, being a teacher also, on the managing committee of a school.

37. Babu BEJOY KRISHNA BOSE: (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether there is any circular or rule debarring a teacher of a high English school, who is also a guardian, from election to the managing committee of the school?

(*b*) Is the Hon'ble Member aware that Babu Profulla Chandra Chakrabarty, B.A., a teacher of the High English School of Ichapur (Dacca) and a guardian, was elected by the guardians on 15th March,

1925, to the managing committee of the school by the highest number of votes?

(c) Is it a fact that the District Magistrate of Dacca disapproved of his election on the ground of his being a teacher of the school?

(d) Will the Hon'ble Member be pleased to state whether the principle laid down by the District Magistrate is in accordance with the rules and procedure on the subject?

(e) Is the Hon'ble Member aware that the Syndicate of the Calcutta University adopted a resolution on 8th June, 1925, in favour of school teachers, who are also guardians of boys, becoming members of the managing committees, if elected thereto by the guardians?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. J. Donald): (a) There is no such rule.

(b) Yes.

(c) Yes. It was recognised that he was eligible both personally and by occupation, but it was considered inexpedient to have a third teacher on the committee when there were many highly qualified gentlemen, who were not teachers, ready and willing to serve as guardians' representatives.

(d) The District Magistrate acted according to the rules.

(e) The Syndicate at a meeting on 8th June, 1923, adopted a resolution merely giving their opinion that a guardian, who is a teacher of a particular school, is eligible for election as guardian's representative on the managing committee of the same school.

Temporary men in the Public Works Department.

38. Dr. MOHINI MOHAN DAS: (a) Is the Hon'ble Member in charge of the Department of Public Works aware that there are many temporary men serving for more than 10 years in the Department without any break in their services?

(b) Are the Government considering the question of taking the men in the permanent cadre, who are serving in the Department for more than 5 years?

(c) Is it a fact that recently the Government have been pleased to sanction annual increment subject to the budget provision for the temporary men who have rendered more than 5 years' continuous service?

(d) Is it a fact that the increment will be given effect to from the 6th year of service?

(*e*) If so, will the Hon'ble Member be pleased to state whether the past services are to be counted towards increments by deducting 5 years from the total period of services?

(*f*) If the answers to (*c*) to (*e*) are in the affirmative, will the Hon'ble Member be pleased to state whether provision has been made in the budget for 1926-27?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. J. Donald): (*a*) Yes.

(*b*) No, but the claims of temporary men are taken into consideration in filling up a permanent vacancy in a cadre.

(*c*) to (*f*). Yes.

Serajganj Court Railway Station.

39. Maulvi ABDUL CAFUR: Will the Hon'ble Member in charge of the Department of Public Works (Railway) be pleased to state whether there is a proposal for abolishing the Serajganj Court Station on the Sara-Serajganj Railway?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Mr. J. Donald): A proposal for abolishing the Serajganj Court Station on the Sara-Serajganj Railway in consequence of the shifting of the Serajganj Ghât Station to a new site is under consideration of the Railway administration.

Free primary education.

40. Maulvi WAHED HOSSAIN: Will the Hon'ble Member in charge of the Education Department be pleased to state whether the Government contemplate encouraging free primary education in selected areas through selected municipalities by providing special funds in the next year's budget?

The Hon'ble Mr. J. DONALD: No: a more comprehensive scheme for the rural areas is under consideration.

Dr. H. W. B. MORENO: Will the Hon'ble Member be pleased to state whether the Government intend to lay on the table the details of the comprehensive scheme outlined in this answer.

The Hon'ble Mr. J. DONALD: The detailed comprehensive scheme has not yet reached Government.

Notice at Khulna Ghât for the starting of steamers.

41. Babu HEM CHANDRA NASKER: Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) whether it is a fact that seven or eight steamers start from Khulna Ghât Station every morning for different places;

(*ii*) whether it is a fact that a passenger finds it extremely difficult to ascertain the particular steamer he has to travel by; and

(*iii*) whether he is aware of the fact that although a sign-board purporting to indicate the steamers starting from different ghâts is put up at the ghât the required information is rarely given on it?

The Hon'ble Mr. J. DONALD: (*i*) Yes.

(*ii*) Government have no information.

(*iii*) No.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state if Government have made any attempt to get the information asked for in this question?

The Hon'ble Mr. J. DONALD: I have nothing further to add.

GOVERNMENT BUSINESS.

Budget of the Government of Bengal.

The Hon'ble Mr. J. DONALD: I beg to present the Budget of the Government of Bengal for 1926-27.

It is once again my privilege to present to this Council the Budget Estimates of the Government of Bengal.

The estimates for 1926-27 which I now lay before the Council differ in two respects from those which I have presented during the past three years. They are different, firstly, in form. In the first place there is now no real distinction between the different departments. They are all, for reasons well known to the Council, reserved. We have, however, maintained a semblance of distinction by the use of the expression "Reserved A" to indicate the entries which, had the constitution intended by the Government of India Act been maintained, would have been shown as transferred. Some changes in the detailed form of the estimates will also be observed. The expenditure on Forests has been divided into "ordinary expenditure" and "capital expenditure". Stores from England which used to be shown in the High Commissioner's budget are now shown under the subject grants to which they relate, while Loss by Exchange on all expenditure in

England, formerly shown in the subject grants as expenditure in India, is now shown under the heads to which the expenditure is actually debited. There is also a change in the classification of the expenditure on the commutation of pensions; this is fully explained in the Financial Statement. We have also made certain changes which should facilitate a better understanding of the grants and the demands that are actually made before this Council. Another innovation is the presentation, along with the Civil Estimates, of the detailed draft estimates both of the Irrigation and the Public Works Departments. These are not ordinarily prepared until after the Civil Estimates have been passed by the Council, but this year we have arranged for their earlier preparation so that they may be in the hands of the members of this Council along with the ordinary Civil Estimates, in which the estimates of these Departments appear merely as major heads without particular details. In doing this we hope to meet the criticism, which has been made in certain quarters in recent years, as to the insufficiency of the details of our Irrigation expenditure.

In essence too the budget for 1926-27 is different from that presented by me last year. The nightmare of our provincial contribution has ceased to disturb us, and although it has been remitted but temporarily, we may, as I said in the Budget discussion last year, safely assume that the contribution will not be levied again. In that case we can with greater confidence give more attention to the demands of recurring expenditure that are so insistent. Freed from the anxiety of our contribution, the preparation of the budget for the coming year has been to us a matter of less difficulty than in past years, and, although our resources are still limited and our financial position can never be fully assured until a settlement more in accord with the needs of the Province and giving freedom for expansion is vouchsafed us, we have been able, as I shall attempt to show before I sit down, to make some advance in adding to existing activities and in devising schemes for the general improvement and amelioration of Bengal and its people.

Before I proceed to explain our financial position, I should like to inform the members of this House that, following on the trend of the speeches during the discussion on the budget last year, His Excellency the Governor has decided this year to limit the discussion on the budget to two days. Apart from these days, opportunities are afforded for criticism of the policy of each department when the different demands are made, and I think it will be generally agreed that a discussion on the work of each department separately is likely to be more advantageous and effective than a roaming discussion on all the activities of Government comprised in a speech limited to fifteen minutes duration. And I would again repeat our usual invitation to those desiring any information or explanation of any items in the budget. Mr. Woodhead and I will be at the service of any such members and will gladly afford them every assistance.

I do not propose on this occasion again to refer to our financial position since the commencement of the Reformed constitution—it is already known to the members of this House. For the present I will leave out the dark side of the picture and confine myself to bringing up to date our exact financial position, and elucidating our programme for the coming year.

1924-1925.

I must in the first place comment on the working of the year 1924-25 in regard to which my remarks last year were in the nature of anticipation. We now know with accuracy the actual financial results of that year. The revised estimate of receipts for the year 1924-25 was Rs. 10,27,14,000 and the expenditure Rs. 9,99,48,000. These figures exclude receipts and expenditure outside the Revenue Account. The revenue turned out better than expectations by about Rs. 7¼ lakhs. There were minor increases and decreases under several heads, but the main variation was under Stamps, where the receipts were as much as Rs. 10½ lakhs over our estimated figure. I originally anticipated a revenue of Rs. 3,30,00,000, but corrected this later on the basis of 11 months' actuals to Rs. 3,26,00,000. There was, however, a recovery in March, and in addition we received an increased assignment from the Government of India on account of unified stamps. Our original figure of Rs. 3,30,00,000 was more than realised from actual collections.

On the expenditure side, there was a saving as compared with our revised estimate to the extent of about Rs. 23¼ lakhs. Expenditure under almost every head fell short of our estimate. The variations were generally small, but taken together over the 28 heads of expenditure they amounted to Rs. 23¼ lakhs. Bringing in loan and capital operations, our total expenditure amounted to Rs. 9,85,15,000 and our closing balance was Rs. 1,93,91,000 instead of Rs. 1,61,86,000, the figure shown in the final estimates as presented last year. The year ended with a surplus of about Rs. 58 lakhs in the Revenue Account.

1925-1926.

Let me turn now to the current year. It will be remembered that when I presented the estimates for 1925-26, in February 1925, I included in our proposed expenditure the payment of our provincial contribution of Rs. 63 lakhs and an outlay on new schemes of Rs. 58½ lakhs, while on the revenue side I anticipated an increase in the Excise revenue, and some substantial increase in our receipts from Stamps. Later our provincial contribution was remitted, and disappeared therefore from our estimates. Our anticipations in the matter of the Excise revenue have not, however, materialised. It is estimated that the

revenue will be practically the same as that of 1924-25 if the sale proceeds of excise opium, which are now adjusted under this head, as I explained last year, are excluded. This fall is due partly to a considerable decrease in the quantity of country spirit consumed in the Calcutta excise area and partly to a decrease in the receipts from Indian made foreign liquor consequent on the cheap price at which imported foreign liquor can be placed upon the market. The depression in the coalfields and the high price of rice have also adversely affected the *pachwai* revenue.

Stamps have on the other hand largely exceeded our expectations. We took credit for our increased assignment in fixing the estimated revenue at Rs. 3,41,50,000, but, apart from this, the receipts have increased considerably and we now expect to realise Rs. 16½ lakhs over and above our original estimate. Instead of the Rs. 10 lakhs increase I anticipated last year, we expect to get a total increase of Rs. 26½ lakhs. It is difficult to explain the large increase, it is common to all stamp receipts, but we now seem to be reaping the benefits of the increased taxation imposed a few years ago.

The revised estimate indicates also a large increase from Registration fees. As the members of this House are no doubt aware, the rates of registration fees were raised in some cases, with effect from the 1st June last, and, accompanied by an increase in the number of documents registered, have increased our income from this source by about 47 per cent. The revised estimate is Rs. 37,50,000 as against a budget of Rs. 25,50,000. The revenue from Forests is expected to be about Rs. 3½ lakhs better than anticipations, but on the other hand, there will be a drop in the receipts from the Entertainment and Amusement Taxes. Land Revenue shows a fall which is more apparent than real, and is primarily due to a change in the dates of certain *kists* of some estates in Burdwan from March to June. The receipts of March next in these cases will now not come in till June and hence disappear from the receipts of the current year. There are some variations under the other heads of receipt which I need not enlarge on here—they will be found in the Financial Statement. But, in the result, we conclude that our revenue, exclusive of receipts outside the Revenue Account, during the current year will, on the figures of receipts so far available, be just about Rs. 15 lakhs in excess of the budget figure.

On the expenditure side, the budget as passed by the Council in March, 1925, contemplated, exclusive of expenditure not charged to Revenue, the spending of Rs. 10,67,43,000. To this was added in the supplementary estimates last rains a sum of Rs. 12,59,000, thus making available for expenditure in the year a total sum of Rs. 10,80,02,000. On this there will be savings in a considerable measure due to the fact that it was not found possible to give full effect to the schemes for which money was voted in the rains session. An instance in point is

the provision for the recurring expenditure on the Eye Hospital. Amongst cases where the full budget provision has not been required are " cost price of excise opium "—our indents on the factory for opium were less than had been anticipated—our contribution to Bihar and Orissa for the Ranchi mental hospitals, the grant for rural water-supply, to which I shall refer later, and various other items of a lesser character which will be found in the Financial Statement. The greatest variation between the budget and the revised, as shown in the abstract given in the Financial Statement, is under the head " Civil Works ". This is, however, more apparent than real—part of the expenditure under this head, representing the charges on the Police Housing Scheme, has been transferred to the head " 60—Civil Works—not charged to Revenue ". Loans and advances by the local Government are considerably less than the estimate, due to generally good agricultural conditions and to the non-utilization of the full amount provided for loans to various co-operative organisations. On the other hand, there is a considerable increase under " Superannuation allowances and Pensions ". It is still difficult to estimate accurately under this head because the full effect of the general increase in salaries sanctioned during the last few years has not been reflected in the actual expenditure on " Superannuation allowances and Pensions ". It is also difficult to estimate with accuracy the amount to be paid in any one year to other Governments as the commuted value of the pensions payable by those Governments to retired officers of the Bengal Government resident within their jurisdiction. Further this year payment has had to be made of the arrears carried over from last year of the amounts due to other Governments on account of the commuted value of pensions. These amounts were not adjusted last year because the budget provision was inadequate. On the whole the total saving of the year is estimated at Rs. 33,13,000.

With the additional income and the savings in expenditure during the year 1925-26 we expect to end with a surplus on Revenue Account of about Rs. 13 lakhs. Our closing balance at the end of the year is expected to Rs. 2,26,32,000; this figure includes Rs. 10,70,000 in the Famine Insurance Fund and Rs. 15,00,000, being the loan taken from the Government of India for the development of the Port of Chittagong.

Opening Balances.

We start then the year 1926-27 with a sum of Rs. 2,26,32,000 in our balances. Of this Rs. 10,70,000 appertain to the Famine Insurance Fund. To this fund we are required to contribute annually until the accumulated total reaches six times the amount of the annual assignment when we may suspend temporarily provision for the annual contribution. (At this stage the Hon'ble the President left the

Chamber and the Deputy President took the Chair.) That limit will be reached next year, provided no unforeseen calamity occurs necessitating expenditure from the Fund, and further contributions will then be unnecessary. But we are still in possession of about two crores in our balances and the question may well be asked how it is that we have allowed our balances to grow to this extent. The answer lies in the uncertainty as to our provincial contribution, and the consequent difficulty in meeting new expenditure, particularly of a recurring character. The remission of the provincial contribution permitted us to have surplus years, when otherwise they would have been deficit. We have gone a good way towards utilising these surpluses, but our power to do so was limited. Building programmes are limited by the expenditure which the Public Works Department can undertake yearly. But the main restriction has been the difficulty of meeting recurring expenditure. Many of the larger and important schemes which involve capital expenditure necessitate considerable recurring expenditure which we did not see our way to finance while the financial contribution still hung over our heads. With the position as it is to-day we are on better ground, and in the proposals for new expenditure in the coming year to which I shall come shortly we intend to make greater use of our balances than we have in recent years. We hope it may be possible later on in the year to bring forward additional proposals for further expenditure from our balances on schemes which have not yet sufficiently matured for presentation at this budget session.

RECEIPTS, 1926-1927.

The revenue in the year 1926-27, excluding loan operations, I anticipate at Rs. 10,76,78,000—an increase of about Rs. 17 lakhs over the revised estimate for the current year. Rs. 11 lakhs of this arises from the consideration I have already mentioned—the change in the *kist* date in certain estates in Burdwan; this is not really an increase in revenue. The remainder comes principally from "Stamps", but even here the figure is not large. After the very heavy increase in the revenue from this source during the current year, we do not feel justified in anticipating any great rise in 1926-27 and I have consequently made the moderate increase of Rs. 4 lakhs. From "Excise" we expect the same revenue as in the present year, and considering the fluctuations of "Registration" receipts we have made only a small addition to allow for the fact that the new rates will be in force for the whole year instead of for ten months as in the current year. The variations under other heads are small and are explained in the Financial Statement. I may mention, however, one item, that of interest. We have large balances, and in order that they should not remain idle we have invested a fairly large sum with the

Government of India upon which we draw interest. Excluding loan operations then our ordinary receipts for 1926-27 are estimated at Rs. 10,76,78,000 as against Rs. 10,59,84,000, the revised figure of 1925-26.

EXPENDITURE, 1926-1927.

The expenditure which we contemplate in 1926-27, exclusive of expenditure outside the Revenue Account, amounts to Rs. 10,97,29,000. This is Rs. 29¾ lakhs over the expenditure in 1925-26 as passed by the Council last March, over Rs. 52 lakhs in excess of the revised estimate of the current year, and Rs. 20½ lakhs over and above our anticipated revenue. We are drawing on our balances to the extent of this last figure, Rs. 20½ lakhs. If we were to allow merely for the development of existing activities our expenditure would be Rs. 10,45,47,000, and we should be budgeting for a surplus of Rs. 31,31,000. We propose utilising this surplus, and drawing on our balances for the execution of new schemes involving an ultimate expenditure of Rs. 11,58,000 recurring and Rs. 66,36,000 non-recurring of which Rs. 9,35,000 recurring and Rs. 43,17,000 non-recurring will be required in 1926-27. In determining the amount of recurring expenditure we must have regard to the difference between existing normal income and existing recurring charges with due notice of expenditure of a recurring nature either to which we are committed or which is likely to be inevitable in the immediate future. I instance in the category of such commitments the salaries of Ministers, we must provide for the contingency of Ministers being again appointed, and a contribution to the cost of constructing and maintaining the Howrah Bridge.

In addition to the expenditure I have already mentioned the budget for 1926-27 provides for an expenditure of Rs. 28¾ lakhs outside the Revenue Account, Rs. 5¼ lakhs for the repayment of loans to the Government of India, Rs. 6 lakhs for loans to local bodies, co-operative credit societies and cultivators, about Rs. 9¾ lakhs for Calcutta Police buildings, Rs. 4½ lakhs for the Damodar Canal project and Rs 3¼ lakhs for expenditure on the commutation of pensions of retired officers.

The figure of Rs. 11½ lakhs for new recurring expenditure is about the limit to which we can safely go at present, and I may anticipate what I shall refer to later on by saying now that almost half of this new recurring expenditure is devoted to Education. Of the new items of non-recurring expenditure Rs. 39 lakhs are devoted to works to be executed by the Public Works Department, the remaining Rs. 27¼ lakhs will be expended in other directions.

I shall now proceed briefly to describe the proposals for the expenditure in 1926-27 and the more important variations in the budget as

compared with the present year under the various heads. These are al set out, of course, in the Financial Statement and I will leave member of the Council to make themselves acquainted from that statement witl the schemes of lesser importance on which it is hardly necessary fo me to dwell this afternoon.

The provision under the head of Land Revenue is about Rs. 6½ lakh in excess of the revised for the current year. The cost of administra tion is much the same, but we have made a special additional provi sion during 1926-27 for improvements in our Government Estates, whil our expenditure on Colonization projects will be materially larger i that year. The programme of settlement operations, both majo and minor, has reached the years at which the charges are at a maxi mum and accounts for an increased expenditure of about Rs. 4 lakh as compared with the current year.

The Excise expenditure is about a lakh less than that of the curren year. We have paid off the cost of the opium in our treasuries under th new system, and in future will merely have to pay for what we ge for the year's consumption. The only new administrative item in thi department is the introduction of the Tree Tax System for *tari*. Th additional expenditure which this involves will be more than compen sated by the additional revenue.

The outlay on Forests is, as I have already explained, divided int two heads, according as whether the charges are debitable to Capita Account or otherwise. In this department we contemplate ne expenditure amounting to about Rs. 3½ lakhs. This is required fo the proper development of our forests. We cannot get the full benefi of our forest resources unless we open them out and obtain greate accessibility. We should in due course reap a considerable harvest a the result of this expenditure.

The demands of the Irrigation Department under the various head are now grouped together in one grant. This is the most convenien course, seeing that the accounts of the various heads are so interlaced. The expenditure under each particular head is set out, however, i detail in the Financial Statement, and as I have already said, th detailed estimates of the department are being furnished to member of this House. Taking Irrigation as a whole, irrespective of th manner in which the accounts are maintained,—I do not propose t trouble the Council with complications of this kind—it is our inten tion to spend a considerable amount in the next few years. The dredging of the Hoorhoora and Baxi Khals will be finished this year. Next yea we continue operations on the Madaripur Bhil Route, start on th improvement of the Gobra Nala in Murshidabad, on flushing th Bhairab River in the Meherpur subdivision of the Nadia district, o measures of protection against floods in the Ghatal subdivision, and o excavating the Muchihana Channel on the right bank of the Damoda

River. We propose also to commence the Damodar Canal Project, a large scheme intended to irrigate a large tract in the Burdwan Division. The estimated cost of this scheme is Rs. 78 lakhs. It will of course be a loan project. Until we complete our loan arrangements, we propose to meet the charges of construction in the first year—about Rs. 4½ lakhs—from our balances, recouping them later from the loan when it is sanctioned.

The General Administration budget is up by Rs. 2 lakhs. This is mainly due to the provision of Rs. 2½ lakhs for expenses in connection with the elections to the Indian and provincial legislatures which will take place during the coming year. The only other new feature worthy of note is the provision of Rs. 48,000 for Circle Officers in pursuance of the existing policy in the department of Local Self-Government. Certain building schemes are proposed. These are given in the Financial Statement, and I need make no specific reference to them here.

An increase of about Rs. 1½ lakhs in the Administration of Justice budget is due to ordinary fluctuations in the charges for establishment. Several new judicial buildings are contemplated, including munsifs at Tangail, Bankura, Hatiya, Balurghat and Kandi.

An increase of about a lakh in the Jail budget is explained by several items, each involving comparatively small expenditure. With the closing of the Jute Mill in the Presidency Jail, the outlay on raw materials for jail manufactures is considerably diminished.

In the Police budget, there is an increase of about Rs. 4 lakhs over that of the current year. The small difference in the Presidency Police charges is mainly due to ordinary fluctuations. The main increase is under the District Executive force in the Bengal Police. We have made a special grant of Rs. one lakh for the improvement of the equipment in the thanas. A sum of Rs. 64,000 has been provided for the payment of house-rent to sub-inspectors of Police. These officers are by virtue of the conditions of their appointment entitled to free quarters, or an allowance in lieu thereof. Hitherto we have in our financial stringency failed to meet our obligations in this matter. Now that we are in a position to meet the charge, we cannot defer longer the payment to these officers of their just dues. A sum of an almost similar amount has also been provided to improve the pay of these officers. At present, they receive a salary of Rs. 80 rising by increments of Rs. 10 every five years to Rs. 130. This is considered quite inadequate—the rate of increments is not particularly sound. We now propose that the increments shall be Rs. 5 every two years. The provision of Rs. 61,000 is intended to meet this improvement.

On the building side, three new schemes are contemplated—one the reconstruction of the Barisal Police Reserve Lines, condemned as unsuitable and insanitary more than ten years ago, at a cost of

Rs. 3,32,000, of which Rs. 1½ lakhs will be required in 1926-27, the second the construction of police buildings at Asartali in the Chittagong Hill Tracts, and the third a duplicate set of machinery for working the cooling plant at the Police Morgue. We cannot run the risk of a breakdown in the machinery with the terrible results that would accrue therefrom in a crowded locality.

In the Medical Department we propose to spend Rs. 2½ lakhs more than in the current year. This is exclusive of new buildings on which we intend to devote Rs. 10¾ lakhs, of which Rs. 4,36,000 will be spent in 1926-27. The advance is greater than the increase over the current year's figure would seem to represent, since, by the completion of the Mental Hospital Buildings at Ranchi, we are almost free from the payment of our contribution on account of construction to the Government of Bihar and Orissa, while our own charges on such hospitals have also diminished. The subject in which the Council is perhaps most interested is that of medical schools, and the members of this House are doubtless eager to hear some details as to our intentions in this respect in the coming year. It was only the other day that we had a discussion in this Council in regard to the establishment of a medical school at Barisal, when my hon'ble colleague in charge of the department explained the policy of Government in this matter and outlined the programme we intended to follow. Since that time we have determined on a new line of policy which should enable us, with the assistance of the local authorities interested, to expedite the programme, and, if the people and local bodies in the districts where it is proposed to establish schools will make an effort and put down their share of the money, I do not see why by the end of the next year we should not have five new schools—which should suffice to meet requirements for many years to come. Apart from the time that is occupied in securing the necessary local contribution, we have had difficulty ourselves in being able to provide the Government share of the recurring expenditure on these schools. It is the difficulty in the matter of recurring expenditure that has stood in the way of progress in many directions. Our difficulties have not been quite so great as regards capital charges. If we could in any way lessen the recurring demand on Government it would be possible to get on faster with the new schools, and the new policy is directed to that end. The policy that has prevailed has been as follows: The local people and local bodies are required to put up part of the capital cost and part of the recurring charges of the scheme which involves both the expansion of the local hospital and the construction of the school. Government bear the balance of both the non-recurring and recurring charges. To be slightly more precise, we have asked the local people to finance the reconstruction of the hospital and its increased recurring charges and to make a substantial contribution towards the capital cost of the school, while Government meet the balance of the capital

cost of the school and its entire recurring cost. What we now propose to do is to fund and invest the local contributions for capital charges and use the interest from this investment in reduction of the Government share of the recurring charges, and in return for this Government will bear the whole of the capital expenditure. By this procedure we do not ask that the local contributions shall be increased as compared with the demand under the old policy. We merely put the local payment into a different form. The effect of this policy is to reduce the recurring demand on Government to a sum which we should have little difficulty in meeting, while we are in a position to meet from our balances the capital charges involved—they are roughly Rs. 8 lakhs. In the budget for 1926-27, we have made no provision for recurring charges, because the schools will not be in a position to start until they have been built and the hospitals have been adapted to meet their requirements. Steps will be taken in the coming year to make these arrangements in those districts where we have already come to an agreement with the local authorities. There is a sum of Rs. 1,20,000 for grants to hospitals to enable them to be improved to meet the requirements of a medical school, and we have provided a further sum of Rs. 1,55,000 for the construction of the medical schools themselves. When we have come to an agreement in respect of the other districts we shall not hesitate to come to this Council and ask for the balance of the funds necessary to complete the scheme. If the local authorities bestir themselves, I see no reason, as I have said, why we should not have five new medical schools in working order by the beginning of 1928.

The main project in our building programme, apart from medical schools and hospitals connected therewith, is the extension of the Eden Hospital. Members of this Council are probably not unaware of the criticism that has been made recently on the arrangements for the teaching of midwifery in our Medical College. Certain measures have been taken to meet the defects in this connection, but our medical teaching will not be adequate, if the qualifications of our graduates are to bear comparison with the generally recognised standards of the present day, unless greater facilities are provided for instruction in this subject. The extension of the Eden Hospital will meet this purpose. Even apart from this, the great demand for admission to this institution, so ably administered as it is by surgeons of great skill and ability, necessitates its immediate expansion. The work is estimated to cost about Rs. 8¼ lakhs—it will take some time to complete, and Rs. 2 lakhs is the estimate of the amount we expect to spend in 1926-27. We propose also to effect improvements at the Venereal Hospital at Alipore at a cost of half a lakh, and to provide permanent accommodation in the School of Tropical Medicine for the Pasteur Institute, for the housing of which makeshift arrangements are at present made in

that institution. A small grant of Rs. 2,000 to the Mission Hospital at Chandragona in the Chittagong Hill Tracts to enable it to build a ward for kala-azar patients, a building grant of Rs. 10,000 to the Mission Hospital at Dayabari, and a grant of Rs. 65,000 to the Zenana Mission Hospital at Jiaganj for the extension of the Hospital, also find a place in the budget—as also a non-recurring grant of Rs. 16,000 to the Lowis Jubilee Sanitarium in Darjeeling, to relieve it from the financial difficulties into which it has fallen. A sum of Rs. 50,000 has also been provided for a building grant to the Carmichael College and Hospital. There are also some other items mentioned in the Financial Statement to which I need not specifically refer.

I now come to Public Health. We have not been unmindful of the necessities of this department in its various activities, and the provision that we have made for this department in 1926-27 exceeds the expenditure of the current year by Rs. 12½ lakhs, a great advance as compared with recent years. Water-supply, both in municipalities and rural areas, sewerage, cholera, kala-azar and malaria have each and all shared better fortune.

In the budget of the current year, a sum of Rs. 2½ lakhs was provided for rural water-supply. This sum was distributed to Commissioners who allotted it in consultation with the local officers to the various districts. The full sum has not been spent for two reasons, firstly, because it is a condition that, where a local contribution is required, it should ordinarily be spent before any part of the Government grant is disbursed, while at the same time a portion of the grant is kept in hand till the work is certified to have been satisfactorily completed. As I explained last year, Government assistance in this matter is after all merely an earnest of Government's desire to stimulate local authorities in their endeavours to cope with this urgent problem. Where, therefore, it is feasible and desirable, some local contribution is an essential of the scheme. The second reason for the non-spending of the full grant is that the end of the financial year falls in the middle of the working season. In cases where this has occurred, there will be a re-allotment of the lapsed amount in the coming year, so the programme of work will not suffer, and, as you will see from the budget, a sum of Rs. 2,84,000 has been provided.

Not less important at the present moment than the supply of good drinking water is kala-azar. It is the intention of Government to carry on an intensive campaign against this fell disease during the next three years. It is our hope that as a result of this campaign the disease will be stamped out to such an extent that it will then be possible to cope with it through the medium of the existing health and medical organisations. Experience will test the validity of these expectations. Meanwhile, we propose to increase the existing provision to Rs. 2 lakhs each year in the next three years, and while providing

this sum in the budget for 1926-27, we have earmarked a sum of Rs. 3 lakhs in our balances to meet the additional provision in the succeeding two years.

The budget provides for the funds required during 1926-27 for the completion of the Dacca Sewerage Scheme and for the Government contribution towards the Titagarh Sewerage Scheme. It includes an additional recurring provision of Rs. 30,000 for intensive anti-malarial measures, bringing the total annual expenditure up to Rs. 80,000, and the expenditure on the free distribution of quinine to local bodies has been increased for the year 1926-27 by Rs. 30,000 to Rs. 1,50,000. Further, we are assisting Darjeeling, Pabna, Chandpur, Naihati and Birnagar with grants-in-aid for their water-supply schemes—the details will be found in the Financial Statement.

Agriculture also shows an increased expenditure—not so marked perhaps as in the case of the department to which I have just referred. The department is by no means at a standstill and several farms are under construction and should, by the end of the coming year, be in working operation. In certain matters, and in particular those relating to agricultural education, there have been some changes in policy which have necessitated a recasting of the original schemes, and they have not sufficiently matured for incorporation in next year's budget. We have provided, however, for the appointment of a cattle-breeding expert and for the organisation of jute and paddy sale societies. And in addition to a sum of Rs. 20,000 in the Irrigation budget for a conveyor in connection with water-hyacinth operations, we have included a sum of Rs. 50,000 for experiments with a view to the determination of an effective plan for the eradication of this pest. Similar remarks apply to the Industries budget, where the new expenditure is at present confined to additional grants-in-aid to technical and industrial schools, additional peripatetic weaving centres and the strengthening of the Industrial Research Laboratory.

On "Home Charges" there is a large increase over the revised estimate, but this is practically entirely due to a revision of the classification of "exchange" items—this is fully explained in the Financial Statement.

Under "Civil Works proper", there are five new schemes. The Council will perhaps remember that during the current year we are effecting improvements to the Rishi Road between the Teesta Bridge and Kalimpong. This improvement, as I explained last year, is necessary in order that our valuable estate at Kalimpong should be developed and secure to us an adequate return. An essential consequence of the improvement of this road is the replacement of the Teesta Bridge by a more modern bridge capable of carrying the heavy traffic which should follow. This is estimated to cost just under Rs. 3½ lakhs of which Rs. 1½ lakhs will be required in 1926-27. For the development of the estate an improvement of the Ringkingpong ridge road is also required

to serve the higher areas where the more important residential and public buildings will be located. This is not a very expensive scheme. It will cost only about Rs. 15,000.

We have had much criticism lately in regard to the Barrackpore Trunk Road, and it will, I think, be generally agreed that we must do something to improve this road and maintain it in a better condition. We propose taking up this work at once—it will take 3 years—progress must, to some extent, depend on the water-supply operations of the Calcutta Corporation. The scheme is estimated to cost Rs. 4½ lakhs of which Rs. 1½ lakhs will be required in 1926-27. Two smaller schemes are one of Rs. 20,000 for protective works against river erosion at the headquarters of the subdivision at Gopalganj and Rs. 16,000 for arboricultural operations on the Duars roads.

I have left Education to the last as it is a department with which I am more intimately concerned.

There are doubtless some members of this Council who may think that Education may receive more of the loaves and fishes now that the department is in the immediate charge of the Finance Member. Some of these may be inclined to demur at this, as it may prove detrimental to the interests of other departments—others may welcome it, as they have a preference for Education. But I would again repeat—although there are some who do not, or will not, understand the correct procedure—that it is not the Finance Department or the Finance Member that is responsible for the distribution of monies available for new expenditure—that is the concern of the whole Government and not of any of its Members. It is necessary again to emphasise this, because, in fact, Education has on this occasion come out very well in the allocation and has obtained a very substantial share of the money that is available for new expenditure. The budget for 1926-27 provides for a total expenditure on Education of Rs. 1,39,60,000, inclusive of expenditure in England, which is Rs. 7 lakhs over the revised estimate of the current year. On new expenditure we have committed ourselves to a total of Rs. 7,68,817 non-recurring expenditure and of Rs. 4,96,862 recurring expenditure; of this Rs. 7,68,817 non-recurring and Rs. 3,78,397 recurring find a place in the budget for 1926-27.

No further sum has been included to finance what are known as Biss Primary Education Schemes. Such schemes are made on the half and half basis, and Government can only spend as much as the local bodies—municipalities and unions—are themselves prepared to spend. The sum available this year has not all been required, and it is, I am afraid, evident that we can meet all our needs during the coming year by merely repeating the provision made during this year. During the past year or two there has been a certain amount of encouraging response to the Government offer of half and half contribution, especially in Chittagong, Budge Budge, Asansol, Comilla, Berhampore, Dacca,

as well as in a certain number of unions, but progress is painfully slow, and we have not thought it necessary to make any further provision under this head. Should, contrary to our expectation, the number of schemes put forward by local bodies exceed the provision made, supplementary provision will be asked for from Council as was the case this year. It will be seen that, owing to our inability to spend money in this way on primary education, we have decided to allot money for other means of improving primary education. For some years University and secondary education has been absorbing the lion's share of the funds available for educational expansion. The new provision we have been able to make in the past five years for University and College education alone, even apart from Secondary Education, exceeds many times the grants we have been able to make for Primary Education, and it has become obvious that we are spending disproportionately on higher education and neglecting the masses. We are, therefore, this year commencing a policy of increasing our funds for primary education. The amount until our finances have still further recovered cannot be large, but we can at least make a beginning and lay down the principle that primary education is entitled to a fair share of the funds available for educational expansion.

Dealing with schemes in the budget I would first instance the Islamia College. This College is approaching completion and it is expected that the building will be ready and the college opened in July next. The staff, with the necessary recurring expenditure, will cost about Rs. 1,37,000 annually. From July on to the end of the financial year, we shall require a lakh of rupees and this sum has been provided in the budget. For the David Hare Training College a demonstration school is necessary. The building has been completed. Furniture and equipment will cost us Rs. 11,750 and the recurring cost for a full year will be Rs. 29,802; during 1926-27 we shall require all the capital expenditure, Rs. 11,750, and Rs. 12,141 in recurring charges.

Capital expenditure, unconnected with the schemes I have just mentioned, is of two kinds—in the one case it consists of expenditure on buildings in connection with Government institutions, in the other of grants to private institutions towards expenditure on equipment and new buildings. We propose to spend Rs. 2,67,000 in providing hostels for the Dacca School of Engineering, and Rs. 2,00,000 in rounding off the Presidency College area. This latter expenditure is necessary in order to remove an unsuitable busti area in the vicinity and to provide, while conditions are favourable, land for the inevitable expansion of this institution. A Hindu hostel for the Krishnagar College to cost Rs. 83,700 is another feature in our budget proposals. We also intend to move the Dacca Intermediate College into part of the new Government House building at Dacca at a cost of Rs. 21,000. Of grants to private institutions, we propose to give Rs. 78,000 to the Queen's Hill School at Darjeeling. The authorities

of this school have constructed a fine new building on an excellent site at a cost of Rs. 3,52,000, and Government have agreed to assist them to the extent I have mentioned. The authorities of the Brahmo Girls' Schools in Calcutta also meditate the construction of a new building and Government propose to assist them in their operations by a grant of Rs. 56,050. A building grant of Rs. 37,000 odd to the Shamsea Zenana Madrassa at Garden Reach is the other main item of expenditure of this kind. There are one or two minor items which will be seen in the Financial Statement.

There remain two other items—one dealing with Primary Education, the other with the Calcutta University. I have already referred to the Biss Scheme under Primary Education and the progress that is being made. The whole question of primary education is a vast one involving enormous expenditure, and, as members of the Council will doubtless have already observed, a serious attempt is being made to grapple with the problem. The Education Department has under consideration certain measures, and Mr. Lindsay and Mr. Oaten have already discussed certain proposals with representatives in every division of the Province. The proposals have not yet come before Government—they are purely departmental—but the discussions that have taken place will be of great assistance when they are taken into consideration by Government. I hope it may be possible to place the considered opinion of Government, with concrete proposals, before the Council in the rains session. Meanwhile we have considered whether it is in any way possible to improve the present position, and we have come to the conclusion that we should extend to all trained teachers in aided primary schools the benefits in the shape of additional emoluments that have hitherto been confined to only a proportion of their number. It will, I think, be agreed that generally the pay of primary teachers is not adequate, and that an adequate remuneration to the teacher is an essential condition in any system of education. We can meet the case of all trained teachers in aided primary schools and *maktabs* for boys by an additional provision of Rs. 2 lakhs and we have made provision for a recurring annual charge of this amount in the budget.

I now turn to the Calcutta University. We have already made a non-recurring grant to this University to meet the deficit that existed in their finances, and, as I told the Council last year, we have had under consideration the question of a recurring grant to enable the University to balance their incomings and outgoings. As I observed last year, we had not then arrived at a settlement of the amount necessary for this latter purpose, but had anticipated that about Rs. 2 lakhs would suffice, and provision was made in the budget to this extent. We have since that time closely examined the figures and discussed them with the University, and I am now able to let the Council and

the University know our final decision in the matter. The University themselves put the figure at Rs. 3 lakhs and asked for a recurring grant of this amount. In working out the details, a difference of opinion arose as to the total receipts of the Fee Fund. The University calculations put the figure from this source at Rs. 47,000 less than we had calculated. Eventually we agreed that we should base our calculations for the computation of the recurring grant on the figure at which we ourselves had arrived, but that should it fall below this figure, we should accept liability to the amount of the deficit up to Rs. 47,000. A similar issue arose as to the figures relating to the Law College Fees--where the difference between us was Rs. 10,000. We have agreed to treat the Law College fees on the same lines as the receipts from the Fee Fund. In other words, we accept a contingent liability in connection with the grant of Rs. 57,000. If the fees I have spoken of fall below the figures we have adopted to the extent of Rs. 47,000 in the Fee Fund and Rs. 10,000 from the Law College fees or any lesser amounts, we shall be liable for the amount of such deficit to that extent. The University claim over and above this is Rs. 2,43,000. If we agreed to give Rs. 2,43,000 as a definite sum, they would get Rs. 3 lakhs if their figures prove correct and their claim would be met in full. If our figures are correct then Rs. 2,43,000 meet their claim. The question then remains --are we to accede to their request and admit this claim of Rs. 2,43,000, or will any smaller sum suffice to meet the University's requirements? We have had discussions with them to arrive at agreement. It is not easy to determine with reference to past actuals the normal amount of actual expenditure under different heads, while it is at the same time desirable that the funds of the University should be able to meet its normal requirements and that Government should not be faced with demands from time to time towards meeting charges which form an ordinary part of the administration of the University but cannot be met from existing revenues. As I have said, past actuals are not a very accurate guide to determine a definite figure, while at the same time there is a considerable difference between our figures and those of the University in the matter of fees. We have therefore decided, in concurrence with the University, that whatever grant is made shall be in the first instance for a period of five years. At the end of that period, the matter will come under revision, and with the experience of the five years it should be possible to arrive at a more accurate and definite figure of the recurring grant which the University should receive from Government. These are the considerations which have influenced us in coming to a decision; and subject to the clear understanding that no demands will be submitted or entertained for additional grants for the ordinary administration of the University, we have decided to make for the five years commencing the 1st July 1925 an annual grant of the sum of Rs. 2,43,000, with, as I have already said,

a contingent liability for Rs. 57,000. In other words, we meet the request of the University in full. A sum of Rs. 2 lakhs has been provided in the budget this year and the balance payable will be found by re-appropriation. For next year Rs. 2,43,000 have been provided. We take this figure because it is what, as I have explained, is in our opinion the amount required. If we are wrong and the University's calculations are correct, we will arrange to provide for the deficit in the fees—on our calculations—up to the accepted contingent liability of Rs. 57,000. It is a matter of satisfaction to us that we have been able to meet the demand of the University in full. The University will, I am sure, appreciate our decision, and I do not imagine that this Council will have any hesitation in voting this grant.

Our local loan operations in the coming year are of small amount. We advance Rs. 38,000 for improving the Ichakhali and Maliaish khals, and we lend Rs. 30,000 for the organisation of paddy and jute sale societies and Rs. 50,000 for co-operative housing societies in Calcutta. Municipalities and district boards propose to borrow from us in 1926-27 to the extent of Rs. 1,92,000 only.

It has been customary to make comparisons as to the allocation of our new expenditure on the subjects classified up to the present year as reserved and transferred, and as members of this House may have some difficulty in extracting this from the estimates or the details in the Financial Statement, I will summarise them briefly here. Our new expenditure involves us in a liability of about Rs. 78 lakhs. I leave out of account loan operations, *e.g.*, Police buildings in Calcutta and the Damodar irrigation project, and loans and advances to municipalities, etc., and minor departments, such as the Press, whose activities relate to all departments alike. Of this new expenditure of about Rs. 78 lakhs about Rs. 11½ lakhs is recurring, of which the "Reserved" budgets take about Rs. 3¾ lakhs and Reserved A or "Transferred" the remaining Rs. 7¾ lakhs. This recurring expenditure entails with it a capital expenditure of Rs. 5¼ lakhs which is almost entirely absorbed by Public Health. As regards capital expenditure, the reserved takes about Rs. 15½ lakhs and the transferred, Rs. 51 lakhs. These figures I could again modify in favour of the "transferred" side, as there are some irrigation schemes costing several lakhs, which, though they appear in the Irrigation budget, are really measures of sanitation and agricultural drainage.

SUMMARY.

This, Sir, completes my review of the budget. It is a plain exposition of our financial position at the present time and our proposals for the coming year. The Council will, I think, agree

that it is largely a budget for what are often termed the nation-building departments. Subjects classified in recent years as transferred subjects have received the lion's share of new expenditure. Education, public health and medical departments have all received generous and substantial provision for their present needs, and the execution of various schemes that are meditated should prove of immense value to the well-being of the people of Bengal. There are directions in which more attention might have been given, if more funds had been available and, as I have already said, there are schemes under examination which we desire to push on as soon as possible—schemes which are not yet sufficiently mature for inclusion in the budget at present—for which we have kept some margin of reserve. But I think the Council will agree that a marked advance has been made. That we have been able to make such an advance is practically entirely due to our increased receipts from "Stamps". If I exclude the increase in "Registration" receipts, which is the result of recent enhanced rates, and the increased revenue from which has already almost entirely been hypothecated by the schemes to which the Council gave its assent last rains session, "Stamps" is the only head amongst our revenues from which any very material increase has been derived. Excise receipts are at a standstill, and it is a question, as opinions go to-day, whether we can place great reliance on increasing revenues from this source. Our stand-by is thus practically limited to Stamps, unless we are to explore new sources and impose extra taxation. And we cannot expect that we shall always have such a marked growth of receipts from "Stamps" as we have had in the present year. Failing new taxation then—and I do not propose to suggest any measure of this kind—except perhaps on schemes of very considerable magnitude which could not be financed on our existing revenues or on any alteration of our settlement even to our best hopes—our possibilities of expansion in the future must necessarily be circumscribed. We have so far been able to carry on and to make some advance. We have been able to do so because our provincial contribution has been temporarily remitted and because we have ourselves imposed taxation. But with the limitations on our elastic sources of revenue, I do not foresee possibilities of any great expansion in the future. I do not think, however, the Council can complain that with the funds at our disposal we have been neglectful of or have paid insufficient attention to the needs of the people. No matter how liberal we may have been in these directions, there will be doubtless some who will maintain that we might have devoted a larger proportion of our expenditure in popular directions. I would ask all such to take a broad view of the various demands on our funds in a fair and impartial spirit, and they will, I trust, agree that our proposals for the expenditure of the funds at our disposal have been conceived with every sympathy for the needs of the people of this Presidency. In that trust I present to this Council the budget for 1926-27.

The Hon'ble Sir HUGH STEPHENSON: It is customary after the introduction of the Budget for each member to say a few words about the departments in his charge. On this occasion I do not think it will be necessary for me to speak at any great length about the interest of the departments in my charge because in the present composition of the House I trust I shall be speaking to the converted.

On General Administration the only new item practically is the provision for returning the Council again in November, this covers an amount of Rs. 2½ lakhs for the elections both for the Assembly and the Provincial Council.

In the Judicial Budget, as was explained last year, the bulk of the expenditure under High Court is no longer voted, as it has been transferred to the non-voted side. For the rest, the main items of expenditure are Law Charges and the expenses of the mufassal courts. It is very difficult to foresee exactly what the Law Charges will amount to because it depends entirely on the cases that come up in the course of the year.

As regards the expenses on the Civil Courts, the general position in the provinces is improving with regard to the disposal of civil work, but on the other hand, the Sessions in the provinces are longer and longer and in some districts are almost continuous. We have, therefore, an increasing demand for assistance in the shape of Additional Sessions and District Judges. We have made provision as far as we can foresee for next year for this, and the reason why the provision has been made in the voted items and not in the non-voted items is that the majority of these Additional Sessions Judges belong to the Provincial Judicial Service.

Coming to Jails, I explained last year what our general policy underlying Jail Administration was, to improve the condition and work of our jail staff, and to improve the condition of the prisoners both during incarceration and afterwards, and to improve our jail buildings. As far as at the last item is concerned we have practically nothing in the budget. The only Civil Works scheme we put forward is a provision for a verandah in the Rajshahi Jail to enable the prisoners there to take their food under shelter which at present they cannot do. The provision for buildings is a very big item which we cannot tackle at present. As far as the improvement of the conditions of service of our jail staff are concerned, as I said last year, we improved the pay of the warders and the subordinate staff; in the coming year we propose to give them certain concessions which will put them on the same footing as the Police. They are not very expensive; they include the provision of a pass when they go to their homes on furlough and the provision of a uniform once a year instead of once in 18 months. They are slight concessions but they add very considerably to the contentment of the staff.

As regards the condition of the prisoners we are raising our expenditure under the head clothing, and we have increased our provision for prison diet. A subject which I mentioned last year and which I am afraid we have not gone forward with as much as I hoped, is the question of a Borstal institution. Last year I told the Council that we proposed to turn the Hijili Jail into a Borstal institution. We found on examination that it would be very much more expensive than we thought, and that the accommodation would not be nearly as satisfactory as we had hoped it would be. We therefore looked round for another way of introducing the Borstal system and we propose now to turn the Bankura Jail into a Borstal institution. Estimates are being prepared and it is anticipated that the Bankura Jail can be fitted up entirely as a Borstal institution with workshops, play grounds, etc., and a staff of instructors.

In August last year we asked for a provision for improving the Juvenile Jail in Calcutta at an expenditure of something like Rs. 73,000. This work has practically been completed. The Juvenile Jail is a very unsatisfactory institution. It contains a large number of youths who are convicted in the mufassal and sent down to the Juvenile Jail in Calcutta; that in itself is not satisfactory. It is not sound to bring a youth from the country into Calcutta. Secondly, it houses a considerable number of youths from 16 to 18 years or even younger who are convicted by the ordinary courts of Calcutta, and the mixture of boys that range in some cases from the ages of 11 up to 21, is bad. Also there have recently been complaints that although the Children's Act was passed many years ago, it has not been brought into operation because there are no reformatory schools to which the persons convicted can be sent. Our present scheme is to turn the Juvenile Jail into a Reformatory School or an Industrial School. This depends upon when we shall be able to transfer from the Juvenile Jail all those prisoners who are above the age of 16 to 18 years; we are making these arrangements pending the time that the Borstal institution is ready at Bankura. When we can do that we can declare the Juvenile Jail to be an Industrial School under the Children's Act. We can then bring the Children's Act into force in Calcutta and Howrah. The moment that is in force no one under the age of 16 years can be sentenced to imprisonment by any Court in Calcutta or Howrah, but will have to be sent to the Industrial School.

We have made arrangements to place the Juvenile Jail as it is now under a Superintendent who is also a technical instructor. The moment we declare it to be an Industrial School the Jail Department will cease to have anything further to do with it and it will go under the Education Department. This I hope we shall be able to carry out in the course of the next few months. When the Bankura Jail is ready to be a Borstal institution we shall have to introduce a Borstal

Act because there is no use starting an institution of this sort unless you can get some power to keep the offenders there for a certain length of time and we have prepared and shall introduce in the August Session a Bill on the lines of the Madras Borstal Act.

Coming now to the vexed question of police——

Mr. PRESIDENT : We shall have to adjourn for prayers.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

The Hon'ble Sir HUGH STEPHENSON : Sir, on the question of police I shall say very little. This year we have kept within our budget figure—we are a lakh below. For the next year our budget is something over Rs. 3 lakhs above that of this year. As I said during the last budget discussion, the Police Department retrenched something over Rs. 7 lakhs on the report of the Retrenchment Committee. That amount has since been swallowed up in normal expansion and in the exigencies of the abnormal political situation. We are now about Rs. 2 lakhs less than the budget figure for 1922-23. As regards retrenchments the only one outstanding from last year is the question of the abolition of thanas. We then abolished 11 : we have now abolished 17 more and propose to abolish a few more still, and the total savings will be about a lakh. Of the Rs. 3 lakhs excess in the next year's budget, Rs. 2½ lakhs is made out of 3 items which have been mentioned in the Financial Statement. The house-rent for sub-inspectors is merely in lieu of free quarters. All police officers from inspectors downwards are entitled to free accommodation. We have given free accommodation to a large number of sub-inspectors, but the rest have to pay for their own accommodation, which is a breach of faith. We propose to right that now at a cost of Rs. 61,000.

The second item is that of putting right the grading of sub-inspectors. Their pay was raised in 1919, and owing to financial stress, we accepted then a most inequitable grading wherein the increments were quinquennial, and I think the House will agree that it takes the heart out of any man on a scale of salary if he can get no increment for five whole years. We propose to remedy this by giving them biennial increments of Rs. 5; that is, we propose to give them Rs. 5 for every two years instead of Rs. 10 for every 5 years. The increase is not very great, but it will be a great relief to them.

The third item is a lakh for improving the equipment of the thanas. In malarial districts we must have mosquito nets. The House had this before it on several occasions and on those occasions opinions were expressed against it and Government gave way. But it is forced upon us by the Health Department and by the medical

officers that it is an utter waste of material and waste of money to leave our constables in malarial thanas without mosquito nets. We propose to remedy this now.

Then, Sir, one more word on the subject of the Calcutta Police. On the last occasion the House passed an estimate for the Calcutta Police building scheme which was then under consideration. The estimates for this year show how far we have progressed. We have got the work well in hand, and by the end of next year I trust they will all be completed and Calcutta will have police buildings of its own which will be a source of pride to it and which will be an excellent investment and improve the Calcutta Police force enormously. The evidence of the Commissioner of Police and of the Police Surgeon in regard to the buildings which have already been completed and occupied is overwhelmingly in favour of them : they have reduced the sick rate enormously and improved the health, morale and discipline of the force, and have improved the quality of work that the Commissioner of Police can get out of them.

So far as these Calcutta Police buildings are concerned I think the Council has never made in recent years a better investment than the building of the police thanas of Calcutta.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia : I would like to say a few words regarding the principal departments in my charge :—

5—Land Revenue.

I propose to refer briefly to the grants with which the Revenue Department is concerned, and then deal with the Irrigation and Local Self-Government Departments.

The first grant which the Council will be asked to vote is that under the head "5—Land Revenue". As the figures given in the Financial Statement show, it is expected that there will be a saving of about Rs. 2½ lakhs on the budget estimates for the current year, but still we are asking for a grant which is Rs. 4 lakhs above that of last year. This increase in our demands is divided between the head "Management of Government Estates" and the head "Survey and Settlement."

The increase in the demand for the costs of the management of Government estates is partly due to recognition of the fact that the present assignment of 9½ per cent. on the collection of these states is not sufficient to enable the Board of Revenue to carry out the agricultural, sanitary and other improvements which are required. A permanent increase in this assignment is necessary, if the Board are to do this work systematically, but for the present we have to be content with a non-recurring grant of Rs. 76,000, in addition to the regular

grant of Rs. 50,000 for agricultural improvements. This sum includes a sum of Rs. 25,000 for minor water-supply projects. An additional grant has also been made for the construction of offices and quarters in the 24-Parganas Sundarbans. I hope that the Council will agree with me that, if more money is spent on these improvements and on the beneficial and profitable work of colonisation in the Sundarbans of Bakarganj and the 24-Parganas, it will be money well spent.

Under the head of "Survey and Settlement" we are asking the Council for about Rs. 3 lakhs more than last year. The reasons for this are given in the Financial Statement, and I need not say more than that the only new works for which provision is made in the budget are the commencement of traverse survey in Burdwan district and minor re-settlement operations in Government and temporarily-settled estates which are already over-due; and that otherwise the estimates provide for expenditure on operations already in progress. The increase in the total provision is chiefly due to the fact that the two major operations in the Murshidabad-Birbhum and 24-Parganas settlement, and the revisional work in Chittagong are now reaching the stage of maximum expenditure.

22—General Administration.

The estimates for the heads under "22—General Administration" with which the Revenue Department is concerned, *viz.*, Board of Revenue, Commissioners, District Administration and Other Establishment do not call for any comment. We have not proposed any expenditure on new schemes, and the total provided in the estimates under these four heads is a little less than the amount voted last year.

15—Irrigation.

In regard to the Irrigation Department, in accordance with the promise made last year, the budget has been presented in much greater detail than before. The revenue derived under the several heads from water rates, tolls and miscellaneous revenue has been shown separately and the accounts have been slightly altered to show the figures for the Sundarbans Steamer Route independently of the Calcutta and Eastern Canals.

The total grant for "Extensions and Improvements" during the current year was Rs. 4,17,000 and the revised estimate is placed at Rs. 2,41,000 : the reduction is due to the fact that it has not been possible to proceed with the reconstruction of the Tollygunge and Alipore bridges, because of a change in procedure under which these two bridges, together with the Chitpore, Manicktola, Narkaldanga and

Belliaghata bridges will be reconstructed by the Calcutta Improvement Trust: these six bridges have been grouped together and work on the Manicktola bridge will be commenced this year : next year the Chitpore, Belliaghata, Tollygunge and Alipore bridges will be taken up. In addition, the Garia bridge over Tolly's Nala was found to be unsafe and new girders are being supplied, the cost of which will be met partially from this year's grant and partially from next.

As all these bridges are very weak it is necessary to reconstruct them as early as possible, so that the restrictions on traffic at present in force may be removed.

Other small works in progress will be completed this or next year and the only new item for next year not already mentioned is for an office for the Executive Engineer, Khulna Division, who will be posted at Khulna instead of in Calcutta as at present, where he is not in proper touch with the work of the Division.

Under the head "Maintenance and Repairs" the revised estimate has been increased from Rs. 8,16,000 to Rs. 9,20,000 for reasons already stated in the Financial Statement; the dredging of the Doa Agra has been completed and the clearance of the Bhangore khal has recently been put in hand. Next year the estimate for repairs is Rs. 6,64,000 : the reduction of over Rs. 2½ lakhs is due to the completion of the Doa Agra dredging and reduced cost of upkeep of the suction dredgers, two of which have been thoroughly repaired this year : next year the dredgers will not be working full time. It has been observed that each time the Doa Agra had been dredged, the river deteriorated rapidly. The formation of bars and shoals in Channel Creek and the Subtarmukhi also continues, so that it will be necessary shortly to dredge them at considerable recurring expense.

Under head "15" is entered the upkeep of all works not included under "XIII". In the case of the Eden Canal the expenditure both this year and next is above normal, because of the repairs to the Chowbaria bridge and silt clearance of the channels at the head of the canal. The remodelling of the Jamalpur sluice is in progress and will be completed by the coming monsoon, and will enable a flush to be sent down the Kana Nadi and Saraswati during the monsoon.

The dredging of the Hoorhoora and Buxi khals has been completed, the Amirabad drainage project, which was held in abeyance, has been restarted and will be completed next year. The construction of a regulator across the Kamarnala has been put in hand and the protection of the bank of the Baigoonbari khal at Mymensingh has been commenced and will be completed next year: this work is required for the protection of the Civil buildings and town, as the Brahmaputra is changing its course and the whole river threatens to pass through this khal.

New items included under the head works for next year are for the purchase of a mechanical conveyor for the removal and destruction of water-hyacinth on the rivers and canals in charge of the Irrigation Department:—

(*1*) the purchase of a launch to replace the *Falcon*, which has become old and is unsafe, there being no other suitable launch available;

(*2*) flushing the dead reaches of the Bhairab river between the Jalangi and the Matabhanga in the Meherpur subdivision of the Nadia district—a length of about 60 miles—which will be a sanitary improvement of great value in an area where malaria is at present intense;

(*3*) the improvement of the Gobra Nala in the Murshidabad district by connecting the head near Kalukhali with the Bhairab: the Gobra Nala is never flushed with fresh water, with the result that the water stagnates and is unfit for human use;

(*4*) the construction of an escape for flood water in the Chetooa embankment near Ghatal to relieve the pressure of high floods round Ghatal: the total estimated cost of remedial measures in this vicinity is Rs. 13½ lakhs, the cost of the escape will be Rs. 75,000, but it is not intended to proceed with other items in the project at present;

(*5*) the construction of a sluice at Dhutkhali in the 24-Parganas, to replace a sluice which was washed away some years ago; and

(*6*) the excavation of the Muchihana channel in the Burdwan district to relieve the pressure during floods against the Damodar embankment.

Under "Repairs and Maintenance," head "15 B," there is a small increase during the current year due to the damage done to revetments at Pabna by a storm, and the construction of a retired line of embankment on the Bhagirati. Next year's estimate is much the same as the original current year, but contains an item of rupees one lakh for dredging shoals in the rivers in the Dacca district. The reduction in normal maintenance charges is due to the fact that no floods have occurred in the rivers on the western side of the Province last monsoon, though work still remains to be done in completing the filling of breaches round Ghatal.

Under head "16" is included expenditure on capital account charged to revenue. The current year's grant has had to be modified as shown in the Financial Statement to meet outstanding liabilities in connection with compensation for crops on the Lower Kumar river after that river was dredged, and an excess on the dredging of sidings

In regard to the Damodar Canal I may say that this project for irrigating an area of nearly 2,00,000 acres in the Burdwan and Hooghly districts has been under the consideration of Government for a good many years and was sanctioned by the Secretary of State in 1921 : for financial reasons Government have not previously considered it advisable to proceed with this important scheme but have now decided to commence construction next year. This canal will cost about Rs. 78 lakhs and will take 6 years to complete, but will be sufficiently advanced to enable a partial supply to be given in the 5th year and will treble the irrigation from Government canals in this Province. The work will be financed from a loan and is expected to give a return of 7·6 per cent. on the capital outlay in the 12th year after it is completed. At present an area of only 20,000 acres is irrigated from the Eden Canal in the two districts named, and the supply is a precarious one because there is no weir across the river and the water runs to waste : the new canal will take off from the Damodar about 25 miles to the west of the town of Burdwan, and control will be secured by a weir of 4,000 feet in length, fitted with up-to-date appliances for regulation. The canal will irrigate a portion of the Galsi thana, which periodically suffers from failure of crops and will also be connected with the Eden Canal, the irrigable area on which will be increased to about 54,000 acres.

32—Medical.

I would now turn to the Medical Department. The Medical Budget for 1926-27 provides for a considerably larger expenditure under the different heads than the current year's budget. This will be evident from the fact that although the provision for mental hospitals has come down by Rs. 3,81,000 due mainly to the buildings for the Ranchi Indian Mental Hospital having been completed and to the closing of the mental hospitals at Berhampore and Dacca, the total provision asked for is greater than the provision for 1925-26 inclusive of the supplementary grants by about Rs. 70,000. The increased expenditure is largely due to provision for non-recurring grants to certain private hospitals and dispensaries including grants for the purpose of the establishment of medical schools. Provision has been made for a grant of Rs. 50,000 for the Carmichael Medical College to enable the authorities of that institution to build an Anatomical Block. The budget also provides Rs. 5,000 for the scheme for the association of independent Indian doctors with the staff of the Medical College Hospitals, Calcutta, and (Rs. 12,000) for Post-Graduate Study of Sub-Assistant Surgeons. The first named scheme was first mooted a long time ago but effect could not be given to it for want of funds.

The outstanding feature of the budget is the provision for medical schools. Some years ago the Medical School Committee recommended

the establishment of medical schools at certain district headquarters. Government have hitherto not found it possible to act in accordance with the recommendation of the Committee in view of the unsatisfactory condition of the provincial finances. Now that the outlook has improved it is hoped to start 4 or 5 medical schools in the near future. The intention is that the capital cost of these schools should be provided by Government while the contributions to be realised from local bodies and private subscriptions will be capitalised to meet the recurring charges of these institutions. My Hon'ble Colleague the Finance Member has already explained the policy of Government and I, therefore, do not propose to say more on the subject. All that I need say is that it is our earnest desire to push on with the medical schools. Provision has accordingly been made for a grant of Rs. 1,20,000 for the improvement of the local hospitals and Rs. 1,55,000 for construction of buildings.

It is hoped that the new medical schools will turn out an increased number of men willing to practise in the mufassal; and that their presence together with the provision of additional dispensaries in rural areas will go far to meet the medical needs of the village people.

33—Public Health.

I now come to the head "33—Public Health". The Hon'ble the Finance Member has elaborately explained to the House the future policy and the proposed activities of the Public Health Department of which I have the honour to be in charge and I do not propose to repeat them. Nor do I wish to tire the House with a detailed examination of the comparative figures and statistics already explained in the Financial Statement. I may, however, be permitted to draw the attention of the House to a notable feature in the budget of this department, I mean to a considerable increase in the provision for grants for public health purposes. We have provided a sum of Rs. 24,00,000 in this head as against Rs. 15,60,000 in the budget for the current year. We have provided Rs. 2,00,500 for anti-kala-azar and Rs. 80,000 for anti-malarial measures. The policy of Government with regard to these is to supplement the resources of local bodies by means of liberal grants and thereby to encourage them to spend freely from their own funds. It is indeed gratifying to find local bodies devoting greater attention to the diagnosis and treatment of these diseases. Both the Anti-Malarial Co-operative Society and the Bengal Health Association at whose disposal large sums of money are placed by Government are doing excellent work by organising anti-malarial societies in rural areas and educating villagers on the causes and cure of malaria. It is hoped that the activities of these societies in the direction will be on a large scale and will be of great benefit to the villagers.

Provision has been made for continuance of the grants made to local bodies for the upkeep of centres for the training of indigenous *dais* and

for further development on the same lines. District Boards and Municipalities show an increasing readiness to avail themselves of the help offered by Government and to open new training centres.

In the current year's budget there is a provision of Rs. 25,000 for maternity and child-welfare. Out of this amount Rs. 15,000 is earmarked every year for the Baby Week and Rs. 10,000 is available for *dai* training. The latter amount being insufficient, the next year's budget provision has been increased by Rs. 5,000 so that Rs. 15,000 will be available for *dai* training. This will enable local bodies who have now appreciated the value of the work and are anxious to start centres for the training of *dais*, to establish additional centres bringing the total up to 60.

The increase in the provision for the free distribution of quinine to local bodies from Rs. 1,20,000 to Rs. 1,50,000, the provision of Rs. 3,00,000 for public health organisation in the district and that of Rs. 2,84,000 for rural water-supply are also noticeable features of this budget which, I am sure, the House will find satisfactory. Large grants have also been made for some large projects such as the Dacca and Tittaghar Sewerage schemes and the Chandpur and Naihati Waterworks.

I think I have now mentioned all the important items under the different departments in my charge; but if further informations on any point are wanted, these will be given if the hon'ble members would see the Secretaries in the departments or myself.

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: Sir, it has been my privilege to have been put in charge of the departments most of which I had to administer during my first ministry. I need hardly remind the Council of the keen interest I then took in the development of the various departments entrusted to my charge and I can assure my friends in the House that that interest has not in the least abated during the years that have intervened.

6—Excise.

The first budget head with which the departments under my charge are concerned is "6—Excise". I have very little to add to what my Hon'ble Colleague in charge of the Finance Department has laid before the Council. He has explained the main causes which contribute to bring about a fall in the excise revenue in the ensuing financial year.

On the expenditure side of the budget only one new scheme has been provided for. The defective system of manufacture and sale of *tari* in Calcutta and its suburbs has recently attracted the attention of Government. To improve the control over its manufacture and sale in these

areas we have approved, as an experimental measure for 3 years from the 1st April, 1926, a scheme for the introduction of the tree-tax system, which has proved very successful from the administrative point of view in the Howrah and Hooghly districts. The scheme, I may explain, will ultimately prove a remunerative one; but the experience gained in the Hooghly and Howrah districts shows that no increase of revenue can be expected for this source during the first year of its introduction.

8—Forests.

The next department in my charge is the Forest Department.

The satisfactory position shown by the figures of the revised estimate is that there has been a substantial increase in revenue with an expenditure less than that of last year. I can with the more confidence ask the Council to agree to the larger expenditure on development which is proposed in the budget estimates. In his speech last year the Hon'ble Maharaja Bahadur mentioned with regret that it had not been possible to provide for any part of the two lakhs which the Conservator of Forests required for the work of development, the construction of roads and paths, bridges and culverts, the removal of obstacles which impede the traffic in rivers, the construction of rest-houses and quarters for the men working in the forests, the purchase of material and machinery, all of which must be provided if the Forest Department are to meet the expanding demand for forest produce and maintain the steady growth of revenue. For this work of development a regular annual grant of a lakh is required. This was the sum provided in 1920-22, but in the last four years the expenditure only has been limited to Rs. 38,000 in 1922-23 and Rs. 80,000 in 1924-25; nothing was provided in the other two years. The result is that the work is greatly in arrears; and I hope that the Council will agree with me that the provision of a lump grant of Rs. 1,84,400 for this purpose and Rs. 19,800 for similar work in the Chittagong Forest Division is reasonable.

The change in accounting which is responsible for the appearance of the new heads "8A" and "52A" to show capital outlay has been explained in the Financial Statement. The increased cost for establishment is mainly due to the formation of a new division for the Attia Forest. This is a private forest of which Government have undertaken the management on the request of the proprietors. The cost will ultimately be met from the revenues of the forest. The only other item to which I need refer is the provision of Rs. 60,000 for khedda operations in Chittagong Division. The Council will remember that a sum of Rs. 30,000 was provided in this year's budget. The Conservator, however, found that he could not safely undertake the khedda with this amount. There is always an element of risk in these operations, and if the first attempt had failed, the money provided would not have been

sufficient to carry on the operations to a successful issue. It was therefore decided to postpone this khedda until larger provision could be made. The Collector has reported that the elephants have become a nuisance to the people living near the forest, and it is important in their interests that there should be no further postponement.

9—Registration.

I would now advert to the Registration Budget for 1926-27 which is less than that for the current year by Rs. 15 thousand but exceeds the revised figure by the same amount. The savings in the revised estimate mainly occur under the head "District Charges" and are partly due to savings under "Pay of officers" and partly to the non-payment of rent for the building belonging to the Government of India at present occupied by the Calcutta Registration Office, the question of the admissibility of the claim of the Government of India for rent not having yet been decided.

The Government of Bengal have raised the registration fees with effect from the 1st June, 1925. As the fee under Article A of the Table of Fees under the Indian Registration Act, 1908 (XVI of 1908), remains unaltered in cases where the value of property does not exceed Rs. 250, the increase in the fee rates is not felt by the poorer classes; but owing to the increase in the fee under the remaining Articles of the above Table of Fees, an increase of annual revenue of more than Rs. 12 lakhs is anticipated although the estimated expenditure for 1926-27 is not likely to exceed that for the current year. The whole of the additional income thus realised is being made available for expenditure in the departments which were transferred ones before July, 1925.

34—Agriculture.

I now turn to the agriculture. And I shall premise my observations on this head of the budget with a few introductory remarks. As the Council is aware, I was in charge of this department for 3 years in another capacity and I need hardly remind the Council of the special interest which I take in the development of the important industry of agriculture. The various problems relating to agriculture in all its branches have received the earnest attention of Government and we are anxious to forward developments in all these directions which are so insistently demanding our attention. I wish it was possible to present before the Council a budget showing greater developments under agriculture; my departments have not so far fared so well as the departments of Public Health and Education but we hope to be able to ask the Council at an early date to provide funds for important developments under these heads. We have, however, been able to provide for several schemes of development which had been long waiting for funds.

I shall now deal first with the head of "Veterinary Charges". Besides providing for the normal expenditure of the department a provision of Rs. 10,370 has been made for giving effect to the long outstanding scheme of revision of pay of the Inspectors of the Civil Veterinary Department. The existing scale of pay of these officers is Rs. 100—5—175 which was sanctioned as far back as 1909. Since then the cost of living has increased very considerably and the proposal to revise the pay of these officers with reference to the existing economic condition has been postponed from time to time on various grounds. As the revision of pay of almost all other services has been already sanctioned on economic and other grounds, there is naturally a general discontent prevailing amongst these officers. The feeling of this Council itself on the subject has been evidenced in the numerous Council questions asked from time to time. It is proposed to raise their scale of pay to Rs. 125—10—225 with effect from 1st April, 1926, and I am confident the Council will readily agree to this reasonable demand for the betterment of the pay and prospect of this useful body of public servants.

Adverting to the Agriculture Budget proper, I would specifically mention the provision made for three items of new expenditure. First, a provision of Rs. 14,500 has been made for the entertainment of a cattle-breeding expert. The improvement of the breed of cattle is closely allied with the development of agriculture for it is needless to point out that under the conditions prevailing in Bengal, the cattle play a most important part in agricultural practice. Besides, there is the question of improvement of the milk-supply which depends entirely upon the improvement of the breed of cattle. From both these points of view the importance of cattle welfare can hardly be exaggerated. Experiments for the improvement of cattle, which are being conducted at the Rangpur Cattle Farm and the Dacca Farm, have now reached a stage of development which calls for expert guidance to give effect to the results obtained and to popularise them. The Department has already made some headway in this direction. Animals of good stature and carrying a good milking strain have been evolved and the pedigree bulls reared on the farms have been sent to district farms for service of local cows. There has also been a demand for these bulls. But further progress is not possible without the services of an expert. In fact the Director of Agriculture has been keenly feeling the want of a local cattle expert and in the absence of such an officer he has had on several occasions to seek the advice of the Imperial Dairy Expert on various questions relating to the problem. The Council will, I trust, therefore, agree that it will be false economy to put off any longer the appointment of a cattle-breeding expert for the province. The motions for the introduction of a Cattle Bill and a Pasture Bill as well as numerous previous Council questions and resolutions on the subject are instances of the keen interest evinced by the members of this Council in the

matter of cattle improvement. This encourages me to indulge in the hope that the Council will fully appreciate the paramount need for a cattle-breeding expert. I may add that the proposal does not involve any large outlay.

Secondly, a provision of Rs. 8,962 (Rs. 7,500 non-recurring and Rs. 1,462 recurring) has been made for the purchase of an oil engine and a thresher. Some labour-saving machinery has already been purchased for preparing and preserving cattle fodder at the Dacca Farm. As these machines are power-driven, the necessity for buying an oil engine to run them hardly requires any explanation.

Lastly, I shall deal with the provision for continuing the campaign against water-hyacinth. The evils brought about by the spread of this weed, especially in the Eastern Bengal districts, are well-known. This has very adversely affected navigation while recent reports indicate that it has also produced injurious effects both on agriculture and sanitation in some of the infected areas. The problem of combating the evil has been greatly exercising the public mind as reflected in the Press and in the Council questions. Communications have also been received from several local bodies and other institutions urging the imperative need for remedial measures in some form or other. For the current year the Council voted a special lump grant of Rs. 25,000 for carrying on water-hyacinth operations. This grant has been usefully expended. Experiments were made with chemical sprays on a small scale in different parts of the province, as a result of which Government have come to the conclusion that the spray is not an effective means of finally eradicating water-hyacinth from a given area. The experience gained seems to show that man-handling is an essential part of any campaign against water-hyacinth on a large scale, and attention has accordingly been directed to the collection of the data necessary for drawing up a scheme on these lines. The Irrigation Department have deputed Mr. E. A. Moore, Assistant Engineer, for this purpose, with special reference to the clearance of water channels and Babu Kalipada Maitra of the Bengal Civil Service, who has had considerable experience in the affected parts, has been placed on special duty to collect information and opinions as to the area and source of infection, the difficulties of dealing with it and the various conditions necessary to get concerted action against the pest. Dr. P. Bruhl of the Calcutta University has, at the instance of Government, undertaken certain experiments in connection with the life history of the weed and its mode of propagation. He has been aided with a Government grant of Rs. 2,000 for the purpose. A lifting conveyor at a cost of about Rs. 8,000 is in the course of construction for carrying on experiments in the mechanical handling of the weed in the larger waterways. The Special Water-Hyacinth Officer has been making an extensive tour throughout the affected areas and as soon as he places complete materials at their disposal, Government hope to be able to

formulate a definite scheme of action effectively dealing with the pest. A lump provision of Rs. 50,000 has been made in order to finance experiments conducted with a view to launching such a scheme. I feel sure that the Council will agree that no efforts should be spared to evolve means to eradicate this pest which has proved a menace to the country in more senses than one and that it will not grudge this comparatively small expenditure on this account during the present year.

I would now turn to Co-operative Credit. The variations in expenditure have been explained in the Financial Statement. The only items of new expenditure are—

(1) Rs. 18,942 for the appointment of 14 additional auditors and their peons; and

(2) Rs. 12,100 for the organisation of jute and paddy sale societies.

As the House is aware, the auditing of societies is a statutory obligation upon Government and while the societies are required to provide for the original audit, Government is responsible for super-credit. The present sanctioned strength of the original audit staff in the Co-operative Department is 81. There are over 10,000 societies already in existence and it is expected that their number will rise to 12,000 by April next. According to the standard of one auditor for every 100 societies—a standard laid down by the Committee on Co-operation in India and which as experience shows does not err on the side of extravagance—there should be over 100 auditors on the basis of the existing number of societies and about 120 auditors on the basis of the number of societies as expected to reach on the 1st April, 1926. The employment of an additional staff of 14 auditors is thus the absolute minimum required to cope with the work of statutory audit which has increased with the increase in the number of societies. I may mention in this connection that all the auditors, except 10, the cost of whose maintenance is a charge on provincial revenues, are paid from the audit fees levied from the societies which are credited to Government on the receipt side. A corresponding provision is therefore necessary on the expenditure side of the budget.

Turning to the second item I need hardly dilate on the importance of developing the non-credit side of the co-operative movement and of organising societies for the joint sale of the two most important staple crops, *viz.*, paddy and jute. The amelioration of the present deplorable conditions of the raiyats depends more than anything else on their ability to organise themselves on co-operative lines, which alone would enable them to get the best terms in the market either in the matter of selling their produce or buying their requirements and thus to get the full fruit of their toil. It is accordingly proposed to organise a few sale societies next year as an experimental measure with initial assistance from Government. The scheme involves the entertainment of the

necessary staff for the societies and the renting of a central godown in Calcutta for storage of the produce and for their disposal therefrom to the best advantage under the management of the Bengal Co-operative Organisation Society. Government place great importance on this experiment in assisting the cultivators to eliminate the petty middlemen who baulk them of a large share of their profits from the produce of their soil.

35—Industries.

I now turn to the Industries Department. This department, as the Council is aware, is of comparatively recent origin and I am afraid we have not so far made as much progress as could be desired. Shortly after the department was started, some of the superior posts fell vacant and could not be filled up till recently. The department also suffered from the absence of an well-equipped laboratory. To remove this long-felt want, an independent laboratory has now been established and provision has been made for the necessary establishment required for the laboratory work. It is hoped that the laboratory will amply repay the outlay by affording opportunities for useful research and experiment which will materially assist the industrial development of the Presidency.

Another useful item of expenditure which has found place in the budget is the establishment of 4 new peripatetic weaving schools. The department has already made some appreciable headway in the matter of weaving instruction. We have now 8 peripatetic weaving schools besides 7 district weaving schools attached to the central institution at Serampore. But the demand for increasing the number of such schools is till insistent. The scheme provided for in this year's budget has a specially interesting feature in that it aims at the amelioration of the economic condition of the Sonthals and other aboriginal tribes in Bankura, Birbhum and Midnapore. The Sonthals are by nature expert in weaving but as they have to use primitive methods of weaving their outturn is very poor. By introducing fly-shuttle looms, contemplated in the scheme, it is hoped not only to increase their income but to add substantially to the total quantity of cloth produced by the handloom industry in the Province.

The third new item provided for in the Industries Budget is the additional provision of Rs. 20,000 for grant-in-aid to technical and industrial schools. Provision of technical education is admittedly one of the most—if not the most— effective means for solving the vexed problem of middle-class unemployment with which Government are now faced. Government have recently accepted the recommendation of the Provincial Retrenchment Committee that technical education in this Province should be stimulated mainly by means of grant-in-aid. The increased provision is meant to give effect to this decision.

Cinchona Plantations.

I need not say much about the estimate for Cinchona Plantations. The transfer of the manufacture of quinine tablets from the Presidency Jail to Mungpoo Factory accounts for an increase in contingent charges. It is hoped that the new machines which are being installed for making these tablets will produce an improved class of tablet for sale through the Post Offices.

Provision has also been made for opening out new plantations. The Superintendent has explored some of the hills where it was thought that soil suitable to the peculiar needs of the cinchona plant would be available. The result is that it has been decided to start experimental cultivation on Latpanchor hill.

With these observations I beg to commend the Budgets of the departments under my charge to the consideration of the Council.

Adjournment.

The Council was then adjourned till 3 P.M., on Monday, the 22nd February, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 22nd February, 1926, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in Chair, the four Hon'ble Members of the Executive Council and 120 elected and nominated members.

Starred questions

(to which oral answers were given).

Alleged lowering of culverts on Eastern Bengal Railway.

*LI. **Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether of late there was a general lowering of the height of railway culverts in the Eastern Bengal Railway?

(*b*) If so, when did such lowering take place?

(*c*) What was the object of such lowering?

(*d*) Is it a fact that such lowering has prejudicially affected the sanitation, navigation and internal traffic of large areas of the districts of North Bengal?

(*e*) Is any remedy of this evil in the contemplation of the Government?

(*f*) If not, will the Hon'ble Member be pleased to state the reasons why?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Mr. J. Donald): (*a*) There has been no general lowering of the height of culverts on the Eastern Bengal Railway. On the Parbatipur-Siliguri section which is at present under conversion from metre to broad gauge, it has been necessary to replace the metre gauge girders by girders a few inches deeper, in order to provide for the heavier loading on the broad gauge. In the case of the bridge over the Kartu river, however, which is navigable, the undesirable level of the girders has not been lowered.

(*b*) See reply to (*a*). The conversion of the Parbatipur-Siliguri section is at present in progress.

(*c*) The reason for the provision of deeper girders on the Parbatipur-Siliguri section is explained in the reply to (*a*).

(*d*) The lowering of the level of the underside of girders on the Parbatipur-Siliguri section has not prejudicially affected the sanitation, navigation or internal traffic of the districts through which it passes.

(*e*) and (*f*) The questions do not arise.

Alleged accumulation of cases in the file of Noakhali District Judge.

***LII. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether he is aware of an accumulation of civil appeals in the file of the District Judge of Noakhali?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): A representation on the subject has been received from the Bar Association, Noakhali.

First use of Gabkhan Bharani Khal as a steamer route.

***LIII. Maulvi A. K. FAZL-UL HUQ:** Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state the date on which steamers first began to ply along the Gabkhan Bharani Khal after its re-excavation?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): July, 1918.

Bridge at the head of Nabaganga near Chuadanga.

***LIV. Babu JOGENDRA NATH MITRA:** Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the authorities of the Eastern Bengal Railway, with whom Mr. Addams-Williams had been corresponding, have sanctioned a suitable new bridge near Chuadanga where the Nabaganga is to be joined with Mathabanga in connection with the Bhairab scheme?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The authorities of the Eastern Bengal Railway have stated that they have no objection to the remodelling of the present bridge at the head of the Nabaganga near Chuadanga.

Schemes for improvement of rivers in Jessore.

*LV. **Babu JOGENDRA NATH MITRA:** (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state the names of the schemes prepared by Mr. Bhola Nath Banerji, late Executive Engineer, Jessore Drainage Division, for the improvement of the rivers of Jessore?

(*b*) Has the District Board of Jessore been furnished with copies of the same for their consideration?

(*c*) Are the local bodies interested consulted before such schemes are accepted or abandoned?

(*d*) Will the Hon'ble Member be pleased to state whether it is a fact that the Harihar and Betna schemes have been abandoned without consulting the local bodies?

(*e*) If so, will the Hon'ble Member be pleased to state the grounds for abandoning them?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) Babu Bhola Nath Banerji was placed on special duty to make an investigation generally in the Jessore district. He actually prepared only two schemes one for the Arool Beel and the other for the Harihar and Mukteswari, both of which were subsequently revised.

(*b*) The District Board of Jessore was furnished with copies of the Arool Beel Scheme, but not of the Harihar-Mukteswari, because this scheme is still under the consideration of Government.

(*c*) Local bodies are consulted before such schemes are accepted, in accordance with the procedure laid down in Act VI of 1920. They are not necessarily consulted if a scheme is abandoned.

(*d*) The Harihar and Betna Schemes have not been abandoned. They have not yet been fully considered by Government.

(*e*) Does not arise.

Death of a juror at Burdwan.

*LVI. **Babu TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether it is a fact that one Anukul Chandra Mullick, of Kuvajpur, police-station Purbasthali, district Burdwan, was summoned by Mr. A. Ahmed, Sessions Judge of Burdwan, to serve as a juror in the case Emperor *versus* Laljan Shaik under section 302, I.P.C.; and

(*ii*) whether it is also a fact that the Sessions Judge insisted upon his acting as a juror in spite of prayer for exemption under medical advice by the said Anukul Chandra on grounds of continued illness?

(*b*) Is it a fact that the Sessions Judge insisted upon his attendance, although the said Anukul Chandra was then actually ill and was too weak to attend?

(*c*) Is it a fact that one day during the course of the trial, while acting as a juror, owing to heavy strain, the condition of the said Anukul Chandra grew so serious that he was removed to the house of a gentleman at Burdwan, where he was putting up?

(*d*) Is it a fact that owing to continued strain and exposure his illness grew fatal and he expired on the next day?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*d*) The member is referred to the communiqué issued by Government on the subject, a copy of which is laid on the table.

Government of Bengal Communiqué, dated Calcutta, the 12th February, 1926, referred to in the reply to starred question No. LVI.

The attention of Government has been drawn to the reports published in the vernacular newspaper, the *Sakti*, dated the 30th November, 1925, and the *Amrita Bazar Patrika*, dated the 11th December, 1925, concerning the death of a juror who assisted in the Sessions trial at Burdwan. Inquiries were accordingly made in order to ascertain the facts of the case. As a result of this inquiry it appears that the reports as published in the papers referred to above were misleading and grossly exaggerated.

The facts of the case are as follows:—

The juror, Babu Anukul Chandra Mullick, was never fined for non-attendance; on the present occasion he did not make any application, either written or verbal, to the Court asking to be exempted from sitting as juror on account of ill health; on the contrary, he attended Court as usual and sat regularly throughout the trial. On the last but one day of the trial, *i.e.*, on the 20th November, 1925, he contracted slight fever, but he attended Court as usual and did not express his inability to sit as a juror. On the last day of the trial, after the lunch interval, the Court first noticed that he was restless and understood that he was ill. He was immediately asked whether he would be able to continue, sitting as a juror, and he replied in the affirmative. At the request of the defence pleader he was

specially questioned whether he would be able to follow the arguments, to which he definitely replied that he would be able to do so. At about 5 P.M., when the Court was about to adjourn to the following day, the gentlemen of the jury, including Babu Anukul Chandra Mullick, requested that the case should be continued by sitting late. Babu Anukul Chandra Mullick was again asked if he would prefer an adjournment or go on with the case. He stated that an adjournment would be more inconvenient to him. The Court therefore sat up to about 6-30 P.M. in order to meet the wishes of the jury and at the particular request of Babu Anukul Chandra Mullick.

The facts, as set out above, have been substantially corroborated by written statements by the pleaders appearing both for the prosecution and the defence.

Cost of détenus.

*LVII. **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state as to what is the average cost of a jail détenu and that of an outside internee per mensem?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): Government are not prepared to publish this information.

Mr. S. N. HALDAR: Will the Hon'ble Member be pleased to state the reasons why Government do not wish to publish this information?

The Hon'ble Sir HUGH STEPHENSON: Because they do not consider it of sufficient public interest.

Village internees.

*LVIII. **Mr. KIRAN SANKAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that it is a universal complaint of all the village internees that they cannot get servants even for a heavy salary?

The Hon'ble Sir HUGH STEPHENSON: The answer is in the negative.

State prisoner Jibanlal Chatarji.

*LIX. **Mr. KIRAN SANKAR ROY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether he is aware that Babu Jibanlal Chatarji, State prisoner now in the Mandalay Jail, has been suffering from various diseases?

(*b*) Is the Hon'ble Member aware that an X-ray photo of Jiban Babu's lungs was sent to his mother and, on examining the same in Calcutta, it was suspected to be a case of consumption?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what arrangements have been made for Jiban Babu's proper medical treatment?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) No.

(*c*) Does not arise.

Mr. S. N. HALDAR: Will the Hon'ble Member be pleased to state whether any X-Ray photo was taken at all?

The Hon'ble Sir HUGH STEPHENSON: Not that I am aware of.

Damodar Canal Scheme.

***LX. Babu SATYA KISHORE BANERJEE:** Is the Hon'ble Member in charge of the Department of Irrigation aware that at a conference of the people of the Hooghly district a resolution was passed appealing to Government to provide funds in the forthcoming budget so that the Damodar Canal Scheme may be taken up next year?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Yes.

Babu SATYA KISHORE BANERJEE: May I know in what stage of progress the Damodar Canal Scheme is?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: It has been budgeted for next year.

Appeals pending in Courts of different Judges of Noakhali.

***LXI. Maulvi SAYEDUL HOQUE:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the number of civil appeals and criminal appeals now pending in the court of—

(*a*) the District Judge of Noakhali;

(*b*) the permanent Sub-Judge, and

(*c*) the Additional Sub-Judge;

(ii) the age of those appeals;

(iii) how many out of the total number are from the judgment of the Sub-Judge;

(iv) how many of them are special appeals under the Bengal Tenancy Act; and

(v) how old they are?

The Hon'ble Sir HUGH STEPHENSON: (i) to (v) A statement is laid on the table.

Statement referred to in the reply to starred question No. LXI.

Names of Courts.	Number of appeals pending.	Age.					
		1918.	1922.	1923.	1924.	1925.	1926.
District Judge—							
Special appeals under Bengal Tenancy Act.	170	1	1	7	155	6	..
Civil appeals against the decision of Sub-Judge.	79	..	11	12	28	27	1
Civil appeals against the decision of Munsifs.	2,113	..	5	159	831	862	226
Criminal appeals ..	3	..	..	..	..	1	2
Sub-Judge	31	..	3	16	2	10	..
Additional Sub-Judge	125	..	13	101	4	7	..

Appeal cases in the Noakhali district.

***LXII. Maulvi SAYEDUL HOQUE:** (a) Will the Hon'ble Member in charge of the Judicial Department be pleased to state how many appeal cases were left undisposed of by Mr. E. Milsom, I.C.S., on the eve of his transfer?

(b) How many of them did he hear, but not deliver judgment?

(c) Is the Hon'ble Member aware that Mr. T. M. Dow, M.A., I.C.S., District Judge of Noakhali, at the time of delivering charge on 22nd January, 1926, left nearly 200 appeals to be heard afresh, though he heard them about six to nine months ago?

(d) If so, what steps are in the contemplation of the Government to prevent such continuation of cases in future?

The Hon'ble Sir HUGH STEPHENSON: (a) There were 1,639 appeals pending when Mr. Milsom left the district.

(b) Two cases.

(*c*) Mr. Dow left 139 appeals, 114 of which constituted an analogous group.

(*d*) This is engaging the attention of Government.

Bhairab Scheme.

*LXIII. **Babu JOGENDRA NATH MITRA:** Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether that part of the Bhairab Scheme which contemplates the joining of the Jaleswar Beel with the Bhairab through Daitola Khal is ready?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The project has been received in the office of the Executive Engineer and is under examination.

Babu JOGENDRA NATH MITRA: Will the Hon'ble Member be pleased to state when the project is expected to be ready?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I think in about a couple of months time.

Expenses of Jessore Settlement operations.

*LXIV. **Maulvi ABDUL QUADER:** Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is fact that the expenses of the Jessore District Settlement operations have long been recovered by the Government and that at present there is a surplus of several lakhs of rupees in the Settlement Fund?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): It is not a fact.

Convicts Mohendra Nath Das and Surendra Nath Biswas.

*LXV. **Babu NALINIRANJAN SARKER:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that a political prisoner, Mohendra Nath Das, is suffering from phthisis and is lying in a very serious condition in the Suri Jail?

(b) Is it a fact that another political prisoner, Surendra Nath Biswas, is suffering from a virulent type of asthma?

(c) If the answers to (a) and (b) are in the affirmative, will the Hon'ble Member be pleased to state what steps the Government have taken for the treatment of these two prisoners?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Hugh Stephenson): (a) This convict was sentenced to transportation for life for the offence of abetment of murder. No report that his condition is very serious has been received.

(b) This convict was sentenced to transportation for life for the offence of dacoity with murder. No recent information about his health has been received.

(c) Mohendra Nath Das was sent to Suri Jail in December, 1924, on the advice of a Medical Board. If any treatment of the other convict has been necessary, it has doubtless been administered by the Jail Superintendent.

Mr. S. N. HALDAR: May I draw attention to the answer given. The question asked was whether the prisoner was suffering from phthisis and lying in a very serious condition. The answer was that no report about his condition was received. I submit that this is not an answer to the question asked. We want to know if he is suffering from phthisis.

Mr. PRESIDENT: I cannot decide what will be the statement made by the Government in reply. It is between you and the Hon'ble Member.

Mr. S. N. HALDAR: May I know if the Government Member thinks he is suffering from phthisis?

The Hon'ble Sir HUGH STEPHENSON: I have already stated what the condition of this prisoner is. He was sent to Suri Jail because the Medical Board considered that he was developing phthisis and that is the only jail where we have special facilities for the treatment of cases of phthisis. The last report about him is that he is still in the same condition. They are not able to say definitely that he has phthisis, but at the same time they are not able to say definitely that he is not in danger of developing it.

Mr. S. N. HALDAR: Are the Government contemplating, having regard to the fact that no improvement has taken place, that he should be transferred to some other place?

The Hon'ble Sir HUGH STEPHENSON: In his present condition that is the best jail for him.

Dr. KUMUD SANKAR RAY: Will Government permit a consultation to be held, because I find that during the last two years no improvement has taken place?

Mr. PRESIDENT: Order, Order. Dr. Ray, I cannot allow you to make a statement in asking a supplementary question. Put a definite question if you like.

Dr. KUMUD SANKAR RAY: Will Government be prepared to have a consultation arranged with regard to this prisoner?

The Hon'ble Sir HUGH STEPHENSON: Government do not consider this is necessary.

Unstarred questions

(answers to which were laid on the table).

Imposition of extra charge on passengers on Brahmaputra Bridge at Mymensingh.

42. Maulvi TAYEBUDDIN AHMED: (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state whether any extra charge is levied on passengers of the Mymensingh-Bhairab Bazar Railway over the Brahmaputra Bridge at Mymensingh?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what led to the imposition of the extra charge?

(*c*) Does the necessity for the levy of the extra charge still exist?

The Hon'ble Mr. J. DONALD: (*a*) Yes.

(*b*) The extra charge represents a "pontage" charge on account of the cost of the expensive bridge over the old Brahmaputra river.

(*c*) Yes.

Proposals to close khals south of Kumar river.

43. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether it is a fact that the Government propose to close the khals south of the Kumar river, in the Madaripur subdivision, with gates?

(b) If so, when do the Government propose to commence work?

(c) What are the reasons for such closing?

(d) Is the Hon'ble Member aware that numerous people pass through Amgaon canal?

(e) Is the Hon'ble Member aware that the people of the locality are dissatisfied at the proposal of the closing of the canal?

(f) Is the Hon'ble Member aware that they expressed their protests by holding public meetings and sending memorials to His Excellency the Governor?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (a) It is proposed to build sluices and locks across the heads of the spill channels of the Kumar river on the south bank.

(b) The work will be commenced at once.

(c) The regulation of the khals is necessary for the maintenance of the Kumar and of the spill khals themselves. The sluices will permit the silt-laden water passing on to the fields when the rivers are rising and there will be no interference in this respect; when the rivers are falling the sluices will be partially closed to scour the Kumar, at a time when the water is clear, and by this means the river will be kept in good order, otherwise very heavy expense will have to be incurred in dredging to keep the river alive; if the river is allowed to die all the spill khals will die also and the bhils will obtain no supply of silt.

(d) Yes; a large lock will be built to pass boats using the khal.

(e) and (f) Yes.

State prisoner Pratul Canguli.

44. Dr. MOHINI MOHAN DAS: (a) Is the Hon'ble Member in charge of the Political Department aware of the present state of health of Srijut Pratul Chandra Ganguli, a State prisoner under Bengal Regulation III of 1818?

(b) Is the Hon'ble Member aware that he was suffering from Pyclocistites and nasal catarrh and other diseases for a long time while in the Midnapore Central Jail?

(c) Is it a fact that the Civil Surgeon of Midnapore recommended his transfer to a healthy place for treatment by a specialist?

(d) Is it a fact that he has been recently transferred to Trichinopoly in Madras?

(e) Is it a fact that since his removal to Trichinopoly his disease has increased?

(*f*) Is it a fact that his weight has diminished by six pounds since his removal to Trichinopoly?

(*g*) Is it a fact that blood is now coming out of his nose and that the right side of his face has been attacked?

(*h*) Are the Government considering the desirability of bringing him back to Bengal and placing him under the treatment of a specialist?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) Reports received from the medical officer of Midnapore Jail indicate that he had been suffering for some time from nasal catarrh and bacillary infection of the urinary tract.

(*c*) and (*d*) Yes.

(*e*) No. His health is now reported to be good.

(*f*) to (*h*) No.

Extension of service to ministerial officers after 55 years.

45. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the rules issued by the Government forbidding the grant of further extension after 55 years of age to ministerial officers cannot be relaxed?

(*b*) Will the Hon'ble Member be pleased to state how long the extraordinary circumstances referred to in Government letter No. 7113-17 A., dated the 8th July, 1925, are expected to continue?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) and (*b*) The member is referred to Appointment Department resolution No. 16506 A., dated the 19th December, 1925, a copy of which is laid on the library table.

Projected canal between Kalighai and Haldi.

46. Babu MAHENDRA NATH MAITY: With reference to the answer to clause (*e*) to my unstarred question No. 46, put on the 8th December, 1925, will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the project will be given effect to in the near future. If so, what is the approximate date?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: It is improbable that the project will be taken up in the near future and an approximate date cannot now be given.

Dunia Khal.

47. Babu MAHENDRA NATH MAITY: (*a*) Is the Hon'ble Member in charge of the Department of Irrigation aware that a greater part of the Dunia Khal, between villages Sarberia and Terapakhia, in the subdivision of Tamluk, district Midnapore, has become high and dry for want of repairs for a long time?

(*b*) Is the Hon'ble Member aware—

(*i*) that the above portion of the Dunia Khal is the principal drainage of about 40 thickly-peopled villages covering an area of about 100 square miles to the west of the Hijili tidal canal; and

(*ii*) that this khal is under the management of the Government Khas Mahal, Mahisadal Raj and Burdwan Raj?

(*c*) Is the Hon'ble Member aware:—

(*i*) that for want of drainage, owing to the silting up of this khal, the waters in the neighbouring cultivated areas are from one to two feet deep even in the months of February and March; and

(*ii*) that the people of the said area consequently suffer constantly from loss of crops and malaria?

(*d*) Is the Hon'ble Member aware that petitions and wires on the part of the people concerned to the District Magistrate, Divisional Commissioner, the Mahisadal Raj and the Burdwan Raj have been of no avail?

(*e*) If the proposed canal scheme, referred to in answer to my question No. 46, put on the 8th December, 1925, be not immediately taken up, are the Government considering the desirability of undertaking at once to clear the silt of the said Dunia Khal between Sarberia and Terapakhia?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) to (*c*) Yes.

(*d*) Government are not aware of the petitions and wires mentioned, but the Irrigation Department has prepared a scheme regarding this area, which is now under the consideration of the Chief Engineer.

(*e*) The question of excavating the Dunia Khal between Sarberia and Terapakhia depends on the co-operation of others, who are the owners of the channel. Government do not intend to take up the silt clearance at the present moment.

Construction of a sluice for taking in water from Rupnarain river.

48. Babu MAHENDRA NATH MAITY: With reference to the answer to my unstarred question No. 65, of the 9th December, 1925, will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether the Government are contemplating constructing a sluice for taking in water from the Rupnarain river for purposes of irrigation?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Government are not contemplating the construction of the sluice mentioned. It is for those to be benefited to take the initiative by filing an application under Act VI of 1920 to the Collector of the district.

Dankuni Khal.

49. Babu TARAKNATH MUKERJEA: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what further progress has been made for the re-excavation of the Dankuni Khal, from Baidyabati to Bally, in the district of Hooghly?

The Hon'ble Maharaja KSHAUNISN CHANDRA RAY Bahadur of Nadia: The re-excavation of the Dankuni Khal, between Bally and Baidyabati, was taken up a short while ago and will be completed by next monsoon.

Persons and cattle run over by Mymensingh-Bhairab Bazar Railway trains.

50. Maulvi TAYEBUDDIN AHMED: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing how many (1) persons, and (2) heads of cattle, were run over by the Mymensingh-Bhairab Bazar Railway trains in course of the last five years?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): No record is available of heads of cattle run over. A statement showing the number of persons killed during the last five years is laid on the table.

Statement referred to in the reply to unstarred question No. 50, showing the number of persons killed during the years 1921 to 1925 by being run over by trains on the Mymensingh-Bhairab Bazar Railway.

1921, 10; 1922, 6; 1923, 13; 1924, 11; 1925, 9.

Piece-workers and Lino operators of Press.

51. Mr. MAHBUBUL HUQ: (*a*) Will the Hon'ble Member in charge of the Department of Finance be pleased to state—

(*i*) whether a variety of works is given to the piece-workers; and

(*ii*) whether charges for the same are different?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) whether the lino operators are given varieties of works without payment of charges, according to the nature of such works;

(*ii*) whether the lino operators get the correction charges of their lines;

(*iii*) whether any other department enjoys this privilege; and

(*iv*) whether the lino operators are expected also to do the work of the lino attendants?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): (*a*) (*i*) All piece-work is not of the same kind.

(*ii*) The rates vary with the various classes of work.

(*b*) (*i*) All lino composition is paid for at the same rate per thousand corrected ens.

(*ii*) The rates for machine composition, except Monos are based upon a thousand corrected ens.

(*iii*) The rates for all classes of composition (hand and machine, except mono) are fixed per thousand corrected ens.

(*iv*) It is not understood to what class of operative the member refers when he speaks of "lino attendants".

Resettlement of Government Revenue in the Khulna district.

52. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing the abstracts prepared and published under rule 337 A of Bengal Survey and Settlement Manual, of the proposals for the settlement of land revenue of rent of the estates which are being subjected to reassessment and settlement in the district of Khulna on the expiry of their leases?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: There are about 300 estates under resettlement of Government revenue in Khulna district, and the abstract required under rule 337 A is a document with numerous details. The labour of compiling a statement of so many abstracts would be incommensurate with its value, and Government must therefore decline to lay it on the table.

Rai HARENDRANATH CHAUDHURI: If the compilation of the statement involves labour incommensurate with its value, will the Hon'ble Member be pleased to lay on the table an abstract of this statement?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The last part of the answer is quite clear, and I think the labour of dealing with a statement of so many abstracts would be incommensurate with its value. I do not think I can add anything to that.

Rai HARENDRANATH CHAUDHURI: May I explain the question? The Hon'ble Member stated that the labour in the compilation of the statement will be incommensurate with its value. I simply want to know whether Government is prepared to lay on the table a copy of the abstract?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I think there will be about 300 abstracts, and it will be very difficult to compile all these and lay them on the table.

Rai HARENDRANATH CHAUDHURI: Is the Government prepared to lay on the table a statement of only those portions of these abstracts which contain references to the proposed new terms of settlement?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I must ask for notice of this.

Suadighi and Gangakhali Khals.

53. Babu MAHENDRA NATH MAITY: (*a*) With reference to the answer to clause (*f*) of my unstarred question No. 35, put on the 13th August, 1925, will the Hon'ble Member in charge of the Department of Irrigation be pleased to state whether he is aware that the final project referred to has not reached the office of the Collector of Midnapore up to the 29th January, 1925?

(b) Are the Government considering the desirability of inquiring into the matter and of stating the cause of the delay?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (a) The detailed project was sent to the Collector, Midnapore, on the 22nd September, 1924.

(b) Does not arise.

Mora Ganga Channel.

54. Babu HEM CHANDRA NASKER: Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state the time when the work of the excavation of the Mora Ganga canal, in the district of the 24-Parganas, will begin?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: As the project for excavating the Mora Ganga channel is under revison, it is not possible to say when the work of excavation will be begun.

Resolutions

(on matters of general public interest).

Survey of waterways.

Babu NALINIRANJAN SARKER: I beg to move that this Council recommends to the Government that a survey be made of all waterways, *i.e.*, important rivers and khals, situated within the Presidency and Dacca Divisions and within the districts of Pabna, Bogra and Rajshahi, of the Rajshahi Division, and that hereafter definite schemes be formulated for the improvement and maintenance of such of those waterways as may be found, in the course of such survey, to have deteriorated or to be deteriorating.

[At this stage the President left the Chamber and the Deputy President took the Chair.]

The subject of my motion—the waterways of lower Bengal—touches a problem, the importance and urgency of which have been admitted on all hands, but unfortunately for the province it has rested there and advanced no further. The rivers and khals of some districts in Bengal are their main arteries, the chief if not the only highways of transport and the only natural drainage on which the prosperity of crops

and the sanitation of outlying tracts entirely depend. (Any deterioration of these natural waterways must therefore adversely affect the villages, impeding communication, and productivity and introducing marshes, the hot-beds of all pestilential diseases. It is known to you, Sir, what painful changes have been brought over the face of this once smiling land by the deterioration of waterways and the silting up of river and canal beds.) One with a poetic bent could possibly write an epic on our "deserted villages" with more pathos and realism than even Oliver Goldsmith. But the Government sits cold, incurring huge expenditure on railway projects while not giving this vital problem of our natural waterways a millionth part of the attention it deserves.

The question naturally arises if these rivers and khals are dying a natural death and if it would be worth attempting to withstand the depredations of nature. But, Sir, nature has constantly yielded before science in the modern world and natural barriers have had to give way wherever human necessity has demanded their abolition even the great Sahara has had to submit to a scheme of irrigation and the matter of releasing the stoppers of our decaying rivers should not present any difficulty beyond the resourcefulness of our modern engineers. My proposal cannot therefore be opposed on the score of impracticability it has, moreover, all the weight of urgency, as the welfare of millions depends on it.

It may be argued that it will mean an enormous expenditure and the present resources of the Government are too limited to allow it. But the problem is of such urgent necessity that the situation must be faced and means devised. When a complete scheme is formulated and the extent of the finance necessary for the purpose is ascertained we may proceed to devise means for raising such funds and thereupon giving effect to them gradually in order of urgency.

The capital expenditure required for such a scheme may be raised by loans and the service of the loans can be provided by tolls on users, from the revenue of fisheries, and if absolutely necessary, by levying direct taxes on those who will be immediately benefited by the scheme.

It may be—but the public have no information on that point—that the Government have already moved in the matter and collected sufficient information for the formulation of different schemes or even that they are following up some of these schemes here and there. But what is wanted is the formulation and publication of a complete set of schemes for the districts referred to in my resolution so that the people may hopefully realise the exact situation and be prepared to share the burden if they want to get the benefit of their respective schemes. That is to say, the whole problem should be taken in its

entirety, no mere patch-work and piece-meal activity will meet the case, as the opening up of one stream may result in the silting up of a neighbouring one, thus ultimately bringing no benefit at all. And above all, in deciding on any particular course, the pubilc should be taken into confidence and the assistance and co-operation of the public should be one of the most potent agents in the pushing on of a constructive programme.

It may be argued that the survey of the waterways and the preparation of the scheme will involve an enormous initial expenditure. But I would like to point out that the settlement survey of all the districts mentioned in my resolution has been completed and detailed plans of these districts are available. Moreover, the Government has an Irrigation Department of its own. Opportunities are not lacking, therefore, to facilitate the formulation of such a set of schemes with the greatest economy, and in view of our past lavish expenditure on the Irrigation Department in connection with the Grand Trunk Canal project, a proportionately small outlay for the scheme should not be grudged. This is more important, Sir, for the people of Bengal than the fanciful projects of tarmacadam for some of the favoured streets of Calcutta or the construction of a Bally Bridge. The economic wealth of a country is made up of the economic wealth of its component parts—of which the villages are units, and my appeal to this House, Sir, is to do away with economic waste by way of private and commercial luxuries and earnestly work for the amelioration of the decadent waterways on which the welfare of millions depends.

SHAH SYED EMDADUL HAQ moved, by way of amendment, that in the motion of Babu Nalinranjan Sarker, line 3 for the words "and Dacca" the words "Dacca and Chittagong" be substituted.

He spoke in Bengali. The English translation of which is as follows:—

Sir, both sanitary and agricultural improvement depends on the condition of the waterways. (It is a well-known fact that in Bengal the high railway embankments and water-hyacinth have jointly contributed to spread Malaria and Kala-azar by interfering with the natural drainage and choking up all the *bils* and canals.) The efforts of the anti-malarial societies have proved useless because the root causes of the evil have been left untouched. I speak of Chittagong Division from which I come, but precisely similar conditions prevail both in Northern and Western Bengal.

A lot of money is being spent on the Gumti embankment in Comilla. What good will it do unless suitable arrangement is made for drainage of its water? More miserable is the condition in Brahmanbaria, particularly at Cosba. In reply to my question the Government had to admit

that the last-mentioned place had become extremely unhealthy, so much so that they had in contemplation the removal of the Munsif's Court from there. But nothing has been done as yet to improve the sanitary condition of the place, nor has the contemplated step been taken.

Everywhere throughout Bengal the natural outlets of water have been blocked by the railways and by water-hyacinth. Unless these outlets are restored to their working order, mere multiplication of anti-malarial societies will not avail anything. The District and Local Boards are compelled by want of funds to remain inactive though they understand the condition.

The Government are habitually indifferent in this matter. They use the plea of want of money whenever this subject comes up for discussion notwithstanding the fact that their purse appears to be full when the police require a new building. I warn them, however, that such a plea will not be accepted by us. I, therefore, move my amendment and promise my support to the next amendment for the inclusion of Burdwan as well.

Maulvi ZANNOOR AHMED: I beg to move, by way of amendment, that in the motion of Babu Naliniranjan Sarker, line 3, for the words "and Dacca" the words "Dacca and Burdwan" be substituted.

The previous speaker has already stated the utility of the motion, I do not want to repeat these arguments. What has been said about the Dacca Division is equally applicable to the Burdwan Division. The condition of important rivers and khals in the Burdwan Division is as bad if not worse than in other parts of the province. My friend Babu Taraknath Mukerjea has already brought to the notice of the Hon'ble Member the condition of the rivers Saraswati, Kana Nodi and Kunti Nodi, and Borha Khal. There are other rivers and khals in the Burdwan Division which have deteriorated and it is absolutely necessary that steps should be taken for the improvement and maintenance of waterways. With these words I beg to move my amendment.

Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I have much pleasure in supporting this resolution as I consider it to be a very important one. East Bengal, especially the districts of Mymensingh and Dacca, are very badly served in the matter of railway communications, so much so that but for our waterways they would be completely isolated from Calcutta and West Bengal. As a matter of fact we have to depend practically on our waterways alone, for our communications. The historic Brahmaputra which in some parts is known as the Jamuna and the Padma and which divides the two Bengals is gradually being more and more silted year after year. If this is the state of affairs as regards our principal waterways how much worse is it with regard

to our other waterways more inland. Many years back before the last great earthquake our rivers were not so bad, but since then they are fast deteriorating and are more constantly shifting their courses.

I think most of the members of this House are aware that in order to get to Mymensingh or Dacca from here we have to cross the Jamuna from Gaolundo or from Serajgunge. I shall, with your permission, Sir, relate a very recent personal experience of mine. On the 6th of February last I had an occasion to cross from Serajgunge to the opposite shore. There is a ferry steamer which is supposed to ply regularly from Serajgunge to Charabari *via* Baraitoli-Patol. Charabari is an important station for passengers to Tangail which is the biggest subdivision if I am not wrong, in the whole of Bengal. When I got to Serajgunge I learnt that the ferry was aground somewhere and did not turn up the previous evening as was expected, with the result that hundreds of passengers were about to be stranded in Serajgunge without knowing what to do. After 3 or 4 hours of waiting the ferry steamer turned up and we proceeded to cross over. We had not gone for more than a mile when the ferry steamer got stuck again at a place least expected. There is an army of pilots and other men whose duty it is to take soundings almost daily and to indicate the route and the channel for the steamers to pass, by fixing posts along the different portions of the river. Thus inspite of all these precautions on the part of the steamer companies, it is impossible to navigate these rivers particularly in the winter season. From 11 o'clock that day till 5 P.M., the serang and his crew aided by most of the passengers on board, did their utmost to float the steamer but all efforts were in vain. Towards evening some rickety fishing boats were seen passing by that way and these were commandered for enabling the passengers on board to cross the Jamuna as best as they could. I shall not talk of the inconvenience and hardships to which the unfortunate passengers were put, but I shall only leave you to imagine the tremendous risk to our lives which every one of us ran in our attempt to cross the Jamuna in the darkness of the night. Fortunately for me I came out safe from that ordeal otherwise I would not have been here to-day to tell the tale.

Now, Sir, this is not a solitary example, but this is occurring very frequently not only in this particular line, but in almost all of our river routes, *viz.*, Dhalleswari-Dacca Line, Barisal-Khulna-Madaripur Line, Goalundo-Kaligunge Line, etc.

Having regard to the millions of our men, women and children who are obliged to have recourse annually to all these different lines for the purpose of travelling, it is surely of paramount importance that immediate steps should be taken for the betterment of our waterways. This resolution merely recommends first of all that a survey be made of all important waterways and thereafter definite schemes be drawn up as how best to improve these waterways and maintain in a navigable condition those that are found to have deteriorated.

It was my privilege when I was a member of the Old Imperial Legislative Council to agitate for Railways in East Bengal particularly, Mymensingh-Netrakona, Mymensingh-Bhairab Bazar, Mymensingh-Tangail to Aricha and other lines. As a result, the first two have been built after years of agitation, but there is no knowing how many years more it will take before the last is built. Even then we shall still be depending largely on our waterways. Not only in the interest therefore, of East Bengal which in some respects may be called one of the granneries of the world and the principal jute-growing centre and which supplies the sinews of war in more ways than one to West Bengal, but also in the interest of trade and commerce themselves, not to speak of the duty which we all owe to prevent risk to human life, it is absolutely incumbent upon Government to pay immediate attention to this question and take the necessary steps for the betterment of our waterways. With these words I recommend this resolution to the unanimous acceptance of this House.

Maulvi ABDUL GAFUR: I beg to support the resolution. I come from the district of Pabna and as I stated last year really the mighty rivers of Bengal, the Ganges and the Brahmaputra embrace each other in my district. Pabna was proud of her rivers; indeed she was healthy and wealthy due to these rivers, but now what is her condition? These rivers have almost dried up and the boat traffic has altogether ceased and lands have deteriorated. The health of the place has been much affected with the result that Pabna has become an abode of malaria and its rivers the abode of water-hyacinth; incalculable mischief has been done by the Serajgunge railway line. The Serajgunge railway line has cut up the rivers with the result that in the rainy season people on the north side of the railway do suffer most due to the excessive swelling of the water on that side and on the southern side the result is that the people do not get sufficient water. On both sides of the railway line the people are suffering most (*1*) due to the swelling of the water, (*2*) insufficiency of the water, the result being that for the last 10 years famine has been threatening. This year, perhaps, there will be real famine in Pabna. Price of rice is high and the people are suffering. In every district of Bengal the story is perhaps the same. Therefore it is the only consideration that we should look to; the question is of the utmost importance and Government should not in any way be unmindful of the request made in this resolution. All waterways are drying up and if this state of things continue I think that Bengal will soon find that her people have become extinct. If this state of things continue we shall have neither rice nor fish to eat nor even air to breathe; even the air will be vitiated and it is of the utmost importance, therefore, that Government should pay immediate attention to the waterways.

Mr. TARIT BHUSAN ROY: I think I shall be wanting in my duty if I did not lend my whole-hearted support to the resolution which

has been moved by my friend Babu Naliniranjan Sarker. No one will perhaps deny that waterways in fact constitute the drainage system of nature. They also represent the natural avenues for the transport of merchandise and it is a well-known fact that in tropical countries in any event the growth and development of trade and commerce and of the agricultural and industrial resources of the country is accelerated or retarded according as the natural outlets remain open and unobstructed or become decadent.

Anything which impedes these waterways or impairs their efficiency causes a disturbance of the economy of nature which must culminate in bringing disaster to the Country.

Nature had blessed Bengal with a profusion of her bounties. She has for centuries past been pre-eminently famous for her smiling green fields, her silvery streams and her flowing brooks and rivulets. The fertility of her soil and the prosperity of her trade and commerce was unique. Railways were then unknown. Waterways were free and flowing. No one thought or knew of malaria in Bengal.

But what is her position to-day? What is the picture which can now be presented?

The soil is deteriorating on account of the gradual and rapid silting of the river channels. The land is losing its fertility by water logging due to high embankments and insufficiency of culverts. This was the position in Nadia, Burdwan, Murshidabad, Jessore, Midnapore, Howrah and Konnagar in 1912. All this will appear from the report of the Director of Agriculture.

You may easily realise how much worse is our position to-day. The peril of hyacinth which was international was more ominous in Bengal. Its spread was sporadic a few years ago but through our neglect the invading pest has marched on with irresistible rapidity. No less an authority than Sir J. C. Bose had observed and very rightly that "unless some immediate and effective steps were taken the agricultural land of Eastern Bengal would be a thing of the past".

Malaria has spread, her ravages have increased and agriculture has steadily declined. All this has been attributed to the fact that the Ganges floods which are so fertilising have been shut out by the embankments of the rivers. It is a well known fact that prior to the shutting out of the Damodar floods the affected areas were remarkably prosperous and healthy. Even the Padma river has been silting up. It is a pity that healthy areas have now been converted into hot-beds of malaria. It is a significant fact that the deltaic areas which are annually flooded are still singularly productive and immune from malaria. The great dismal swamp in Florida, the deltas of large African rivers, the low-lying areas along the flat banks of Palembong river in Sumatra, the Godavery and Krishna river deltas in Madras, the delta tracts of the

Cauvari river, and coming nearer still, my subdivision in Munshigunj in the district of Dacca which is inundated every year during the rains, are remarkably free from malaria.

It is very unfortunate, however, that almost all the rivers and khals in the three Divisions referred to in the resolution have deteriorated. Rivers like Arialkha and Kumar in Faridpur, Boral and Narod in Rajshahi, Ganga and Churni in Nadia, Dholeswari, Buriganga, Ichamoti and Brahmaputra in the district of Dacca, have hoplessly decayed and shrunk. Even the mighty and majestic river Padma on the banks of which I live has silted up. Bridge after bridge have been built and the decadence and silting of the big rivers have followed as a necessary sequel. The pest of water-hyacinth has invaded not only the canals and watercourses but even the Buriganga river in which the city of Dacca stands.

Sir Bradford Leslie remarked "that the loss of the flood spill of muddy water in the Ganges has doubtless resulted in decreased fertility". Dr. Bentley in commenting on such remark added that in this remark lay almost the whole secret of malaria in Bengal. Decreased fertility meant decreased agricultural outturn which meant decline of agriculture, and the loss of the flood water also led to great increase of pestilence. "The only remedy for all these associated evils", remarked Dr. Bentley, "must take the form of restoring to the country the flood water of which it has been deprived".

The waterways of the three Divisions ought to be surveyed at once and definite schemes formulated and carried out for their improvement and maintenance. I hope the Government will rise to the occasion and if necessary appoint a committee as early as possible for this purpose.

Babu JOGINDRA CHANDRA CHAKRAVARTI: The subject matter of this resolution is undoubtedly of paramount importance to the people of Bengal. I am afraid that the resolution does not go far enough because I should think that the time has come when it is absolutely urgent that steps should be immediately taken to make a survey of all the rivers and waterways in all the districts of Bengal. The root cause to my mind of all the evils from which the people of Bengal are suffering is the deterioration of the rivers and waterways of the country. Bengal was described as a *nadi-matrika desh* (country abounding in rivers). The flowing rivers of Bengal contribute in a very large measure to the health and prosperity of the country and like the streams of the mother's milk the streams of Bengal at one time supplied all that was necessary to make the life of the people of Bengal happy and contented. But the old condition of things is fast disappearing. The rivers which at one time fertilised the soil and supplied drinking water to men and cattle are gradually dying and we are now a dying race. The first and paramount duty of the State is undoubtedly the

maintenance of the life of the people from whom the State draws its revenue and yet it is a fact that the once prosperous and lovely villages of Bengal are now a picture of depopulation, sickness and poverty which have made the life of the villagers really intolerable. It cannot be said that Government is unconscious of the enormity of the situation for we gather from the report of no less an eminent expert than Dr. Bentley, the late Director of Public Health of Bengal, that the deterioration of the rivers and waterways of Bengal is principally responsible for the alarming increase of malaria, decrease in the fertility of the soil and the decline in the prosperity of the country. Dr. Bentley in his masterly report on malaria and agriculture in Bengal has dealt with these questions so thoroughly that it would be a mere waste of time if I were to take the time of the House in repeating the facts and figures by which that eminent expert on public health has supported his arguments.

Dr. Bentley says in his report that in Bengal where the bulk of the people are dependent upon agriculture, low death rate accompany agricultural prosperity and high mortality and bad health on the contrary are as clearly associated with evidence of agricultural deterioration. He puts the whole matter in a nutshell when he says that it is the want of facilities for the ingress and egress of rain and flood water which is responsible both for a great decline of agriculture and the deterioration of the public health that has accompanied it, and in the opinion of that eminent expert the indiscriminate embanking of vast tracts in lower Bengal primarily for flood prevention and secondarily owing to the construction of the net-work of the railways and roads that now cover the country has caused serious damage alike to agriculture and to the health of the people. Dr. Bentley has recommended that a survey of all existing water-courses in every district is essential. Water-courses, according to him, required to be examined from three points of view: (*1*) drainage, (*2*) irrigation, and (*3*) communication.

That the construction of railways has materially contributed to the moribund condition of many rivers and waterways in Bengal is proved by Dr. Bentley by facts and figures. Now, who constructed these railways? Certainly the Government and therefore it will not be a rash assertion to make that the action of the Government is primarily responsible for the increase of malaria and the decline of agriculture. Sir, it is admitted on all hands that malaria is causing the greatest havoc in the country. We are often asked to carry on vigorously anti-malarial operations to combat this terrible disease. Dr. Bentley has, however, discussed this question and his conclusions are that so far as anti-malarial measures are concerned we could not possibly attain anything like success with an expenditure of less than 16 to 30 crores of rupees.

Then again to combat malaria by distribution of quinine with anything like success is an equally impossible task in Bengal. In my own

district town of Dinajpur an experiment for distribution of quinine to children and others suffering from malaria and enlarged spleen was carried out for a period of between 3 and 4 years. The distribution was at the rate of about 70 grains per head of the total population of the town. The experiment was partly successful but Dr. Bentley says that to adminster quinine throughout the province at the rate allowed in Dinajpur would entail an annual consumption of about 450,000 lbs. of the drug or very nearly half the world's present supply of quinine and the cost at present market prices would be about 1¼ crores of rupees. If the price of quinine advanced, as it undoubtedly would if used on this scale, the cost would be increased proportionately.

Sir, all the talk therefore of saving the people of Bengal from the attack of malaria by the establishment of anti-malarial societies, anti-kalazar societies and the like seems to be all in vain. No successful attempt is possible until the Government fully realises the danger which is gradually becoming more and more serious by the silting up of the rivers and waterways of the province. Dr. Bentley submitted his report in March, 1925. Fully a year has now passed and we are not aware that the Government is going to take any steps on the lines suggested by Dr. Bentley. The people have a right to demand an answer from the Government as to what is the Government doing to save the country from depopulation. Probably we shall have the usual stereotyped reply that the measures suggested would entail a cost which is too heavy for the Government to meet under the present state of the finances. That, however, is a reply which will never satisfy the people. For we know that funds are made available whereever the Government wants money for purposes other than what really touch the life and the comfort of the poor taxpayer. Sir, the situation is to my mind has become so alarming, as a glance at the mortality figures will show, that there is no longer any time to lose, and the Government should without delay employ all its resources to have an immediate survey of all the rivers and waterways and reclaim all of them which are fast decaying.

Haji LAL MAHAMMED spoke in Bengali. The English translation of which is as follows:—

"Formerly the Padma flushed all the water-courses in Rajshahi District and supplied both drinking water and water for agricultural purposes. During the past few years the mouths of these have gradually silted up and unless there is exceptional rise of the water of the Padma, they are served with no water at all or with very little of it. Formerly all these branch rivers were navigable by boat all the year round and offered opportunities for brisk inland trade which is at present all but killed. All the bils in the interior part of the district were filled annually with fresh water by these branch rivers and kept in good condition. But now this annual supply has been cut off and they are overgrown with

weeds and water-hyacinth and their water has become foul and undrinkable even to the animals. There is, however, such scarcity of drinking water that the villagers are compelled to drink this foul liquid, and as a result of it die prematurely in large numbers of Malaria and Kala-azar. The situation will be realised when the census figures for 1921 for four thanas in the Sadar sub-division are quoted. They show a decrease of 12,065 from 3,18,101 within ten years. We are afraid that Rajshahi district will become depopulated unless steps are taken to flush these stagnant bils with water from the Padma and give fresh drinking water to the people. There are nearly 35 bils which are connected with two branch rivers of the Padma. The villagers have been trying during the past few years to destroy water-hyacinth choking up the channels of communication and excavate them in order to bring water f rom the Padma. We might make particular mention of the efforts of the inhabitants of Bhalukgachi. But the work is retarded for want of funds. I appeal to the House to give their earnest attention to the matter and bring relief to the village people."

Mr. B. N. SASMAL: I have great pleasure in seconding the resolution that has been moved by Babu Naliniranjan Sarker and which now includes the Chittagong and Dacca Divisions by the amendments proposed. I support this resolution on three grounds. The recommendation made in this resolution is necessary, firstly, for the health of this country. It is necessary, secondly, for the improvement of agriculture, *i.e.*, for improving the wealth of the province, and, thirdly, it is necessary in those areas where floods take place almost every year and the floods are taking place on the ground that the rush of water does not find any outlet to go into the Bay. So far as the first point, *viz.*, the health of the country is concerned, it seems, that if the Government of the country were responsible to the people such a thing would never have taken place. During the rule of the British in this country for about two centuries, there have been absolutely no want of funds for schemes to increase the salaries of officers who have nothing to do with the health of the land. It appears when one goes deep into the question, that our Government is heartless. If people having the responsibility to look to the health of so many millions of people, sit idle for such a length of time, the result admitted by the Government experts is deplorable, the conclusion that is bound to be drawn is irresistable that they are heartless. We might have provincial autonomy sooner or later, we might have other rights given to us sooner or later or resisted from the authorities sooner or later; but so long as the Government do not realise that the health of the people, from whom they realise the taxes for the maintenance of most of their officers, is improved—until that is done, it is absolutely a question of moonshine to us that they are governing the country for our interests. Dr. Bentley's name has been mentioned. I might mention one fact for the information of this House. I belong to a town named Contai in the

Midnapore district which was about 20 years ago a sanatorium; to-day it is so badly malarious that I anticipate the fate of Chandrakona, which is in another part of Midnapore. We have started anti-malarial societies. The District Board of Midnapore contribute Rs. 5,000 to the health committees that have been started. I wrote to the Health Department to send out experts to survey the area where there has been malaria lately and I asked point blank to the authorities of the Health Department that after the survey they should give directions to the Anti-Malarial Society and the Health Society and I myself undertook to provide funds either from the District Boards or by raising public funds. But I wanted one undertaking from them—that malaria must be driven out from the area. Do you know what was the reply I received from them? They said it was a question of drainage. Malaria cannot be driven out successfully by quininism or by human benefaction only until the question was tackled, which was a large problem and Government were not prepared to take it up just then. That area was a khas mahal area directly managed by the Government. Then I proposed that there should be an undertaking given to us that malaria should be driven out, no matter whether in 15 years or in 20 years and we undertook on our part to carry out all the suggestions and directions of Government as loyally as anything could be carried out loyally. No undertaking has yet been given. The ground is, as I have been told privately—some people are afraid of losing their service if it is said publicly—that it was a question of drainage and until that question was solved nothing could be done, and the callousness does not end there. There are big anti-malarial societies practically in every district. People are asked to subscribe, people are requested to become volunteers and the gentlemen who go about country-sides and ask for subscriptions know in their heart of hearts that in the long run these societies are doomed to failure, and that nothing can be done until the drainage question is taken up. Therefore, my first point is sufficiently clear—that unless these waterways are surveyed and steps taken that they do not clog waters from passing to the Bay there is absolutely no hope so far as the health of this province is concerned.

My second point is that agriculture is deteriorating. There can be no doubt about it. We had a sympathetic Commissioner in our Division—I mean Mr. J. N. Gupta. He had drawn up a scheme for surveying certain rivers of my district. He wrote to me to say that it was sent up to Government for consideration. That was about two years ago. I do not know what has happened to that scheme. Probably it is still under consideration and the health of people has ever since been suffering. Mr. Gupta has since been transferred to the Presidency Division. There I am sure he will suggest certain other improvements and draw up a few schemes which will in due course lie in Government shelves pending consideration all the while. At the same time the salaries of

officers from the Civil Service down to the chaukidars will rise by leaps and bounds.

Then take the question of flood. It is inconceivable to think that so far as my district is concerned the engineering experts attached to the Government of Bengal were absolutely uninformed in the old days. They began constructing embankments in the district of Midnapore for the first time in Bengal. I say for the first time because I have found out that there have been no embankments in Eastern Bengal. They spent large sums of money in building embankments in the district of Midnapore because it was contiguous to the Bay. They erected embankments on both sides leaving no spill area for the flood. The result has been that whenever there is a flood—the rivers in the district of Midnapore are generally connected with the hills in the Central Provinces—there is a rush of water from above and the embankments being on both banks of the river there is no room for the spill to be discharged with the result that the embankments get flooded and the water remains logged every time there is a flood. When we send telegrams to the Governor, they are sent down from the Governor through the proper channel to the Commissioner then to the District Officer and to Circle Officer and then to the Public Works Department Officer on the spot. The Public Works Officer asks why should the telegrams be sent to the Governor—we are here on the spot and we know what is to be done with these things. But where was the money to come from? That is the whole point. We have heart are powerless, moneyless and schemeless, although the Government of this province is a scheming Government because there have been schemes and schemes for the last 175 years. So far as Midnapore is concerned there have been about 100 schemes during the last century and a quarter and nothing has been done. Mr. Addams-Williams has formulated a scheme lately costing a crore of rupees for the Ghatal subdivision. I informed him in the presence of Mr. Gupta that that scheme was bound to fail. I take this opportunity to inform this House so that it may be kept in the record of the proceedings that that scheme is bound to fail. Take the Tamluk subdivision of the Midnapore district. Government have decided to excavate Ganga Khali. They are going to spend some money over it and the District Board is also contributing. This khal discharges itself into the Rupnarayan river at a point of a mile and a half below the river and its water is silting. There is a big island already. I told the authorities that it was no use proceeding that way. This silt is bound to silt up the Ganga Khali Khal in the long run. I know that this scheme will also fail. Then when there is a flood into the Damodar river it discharges itself in the Rupnarayan and because there is a silt near Tamluk the Rupnarayan cannot discharge its silt in the Ganges. The result is that the water goes upwards and the whole of the subdivision is flooded. And if there is a

simultaneous flood in Tarkeswar and Sillai the question becomes absolutely hopeless. Mr. Addams-Williams himself told me that from the point of view of engineering it was not an impossible task to check this. But where was the money to come from? That is the whole point. We can have money for the increase of salaries of our highly paid civil servants but Government have no money to look to the health of the people. We have waited, we shall have to wait a little longer but I am sure we are not going to wait for long. The reaction is bound to recoil on the head of Government. Signs of discontent are abroad everywhere not only among the educated class but also among the masses. If these questions are not tackled not only for the benefit of the people but for the protection of the interest of Government, the administration which is going on merrily cannot go on longer in this way.

Therefore, all the three points I have raised are quite good and I hope that this resolution will be passed.

Then take the Contai subdivision . . . . . [Here the member reached his time limit and had to resume his seat].

Maulvi EKRAMUL HUQ: I rise to support the resolution. I beg to submit that the question before us is not a new question at all. We in this Council have times without number brought this matter to the notice of Government that it was an absolute necessity for Government to improve waterways of Bengal. In the reformed Council this matter of dredging the Bhagirathi and improving it was brought before this very House; and the then Member-in-charge for Government, the Maharajadhiraja Bahadur of Burdwan, was pleased to give a promise that continuous flow of the river would be preserved. This matter was brought again in some shape or other before the present Member-in-charge of the portfolio and we were told that Government did not give any promise. This is, Sir, how matters stand at present. It is absolutely necessary that the waterways of Bengal should be tackled with in a manner beneficial to the people of this country. So far as the Bhagirathi is concerned, this is a mater which is quite known to Government, that the health as well as the prosperity of the people living on the banks of this river depends to the greatest possible extent upon a continuous flow of this river. Though we had some flow in the river at the time the Maharajadhiraja Bahadur of Burdwan was in the Council, but I am afraid, with the advent of our Hon'ble Friend here, instead of having a flow in the Bhagirathi, we shall have nothing but sand and mud to block the waterway. We hope, Sir, earnestly that instead of tackling the whole question in a lump it should be the duty of Government to take up particular waterways—and possibly there are some for which the necessary surveys have been made—and then to see that continuous flow is given to such

waterways. This, as has been pointed out by some of the members, is absolutely necessary and this vitally affects the health as well the prosperity of the people of this country. We do want and we do expect that Government should deal with this question and should make the people feel and see for themselves that something tangible is being done for them. Sir, allow me to say this much only, that so far as the question of the embankment of rivers is concerned, there should be no provision for keeping the embankment intact, for it is the embankments of these rivers that has adversely affected not only the health, but the prosperity of the people. In places which were altogether free from malaria, we see nothing else but malaria-stricken people; in place of riches and plenty, we see nothing but waste and desolation and that is because you do not allow the flood water to reach the remote parts of the district to make them fertile. It seems to be necessary—I think it is also expert opinion—that we should allow places extending on the sides of the river to have enough flood water in order to give them necessary fertility. We hope, Sir, that our friend the Hon'ble Member will see that something more tangible is done during the time he holds the portfolio of the Irrigation Department.

Rai SATYENDRA NATH ROY, CHOUDHURI Bahadur: I support the resolution whole-heartedly. It has a very far-reaching effect and is vitally important for the welfare of the Province. The resolution No. 65 which stands in my name relates to only one important waterway whereas this resolution is more comprehensive. If I get the opportunity of moving my resolution I shall show its importance but now I shall confine myself to a few general observations only. Waterways—rivers and khals—are in some districts of East Bengal the principal means of communication. They are more important in those localities than the roads themselves. Some of the District Boards have in those parts paid greater attention to the khals than roads. Sometimes it is impossible to construct and maintain roads there in proper order and during the rains the roads become impassable on account of the nature of the soil. People in those parts prefer boat-traffic than cart-traffic, as it is more convenient, easy, less costly and feasible. But it is not possible for the District Boards to keep all important khals in proper and passable order on account of the shortness of funds. There are district or parts of districts where railway communication is impossible for the existence of too many channels and rivers, in those parts steamer communication would be the only means of proper communication, and this is only practicable if the channels are kept navigable. Construction of railways is sometimes disliked for the fear of malaria. Unless the free drainage of the land is kept open, the sanitation of the place is sure to deteriorate. It is therefore absolutely necessary that both for easy communication and drainage, the important waterways of Bengal should be improved and maintained. With free drainage the fertility

of the soil will increase and will augment the agricultural produce of the land and consequently improve its economic condition.

Babu BORODA PROSAD DEY: I would not be true to my position as the representative of one of the districts of the Burdwan Division if I did not rise to support this resolution, more especially the amendment of my friend Maulvi Zanoor Ahmed. My district of Hooghly has been or rather was, full of rivers, so much so that formerly we find in history that even ships used to go in to the interior of the district carrying merchandise and other articles of trade. But what is the present position of that district with regard to these rivers. It is now full of dead and dying rivers. I have heard some of the districts in Eastern Bengal called "river districts". In that manner my district should now be called a "dead river district". It is a district in which although there are several rivers, whose names can be given, and almost all of them are now either dead or in a dying condition, and the result is that the people suffer greatly in respect of their health and agriculture. We have got railway lines for our convenience, and we do not feel that amount of hardship in the absence of these rivers, but it must be admitted, and there can be no two opinions about it, that these conveniences have been bought at the expense of our health and prosperity. From time to time attempts have been made to do a certain amount of work in respect of the river Saraswati; sometimes schemes have been prepared; sometimes these have been considered, sometimes we have heard that a survey is being made of it, but nothing definite has been done, nothing definite attempted. We have seen some of these rivers choked with water-hyacinth, and the question of drinking water has thus become a very difficult question; this question ought to receive the attention of Government. But nothing has been done in that direction. Then, Sir, our district suffers both ways; it suffers from flood in one part of the district, and from scarcity of water in another part, and it goes without saying that if proper survery is made and if proper schemes drawn up, and if these schemes were put into execution, it would be found that the surplus water of one place can be diverted into another, and thus the scarcity of water in that place removed. But no attempt has been made. Ours is a costly administration; there can be no doubt about it, but although we find that the cost of administration is mounting up every year, we do not find any proper attempt being made with regard to this question of improving the condition of our rivers. We have heard that dredging operations will be taken up and some new dredgers are proposed to be purchased, and as soon as that will be done—I heard from His Excellency Lord Ronaldshay when he was pleased to visit the Hooghly district—that when these new dredgers are purchased the question of these rivers will be taken up, and His Excellency expected that something substantial would be done towards this much-needed reform. But so far nothing has been done; nothing has really been attempted, there are

complaints from other districts as has been pointed out by other members. So the whole question of river survey for the whole province and the preparation of schemes for the improvement of rivers has become a question that ought not to be neglected any further, but should be taken up in right earnest. With these words I beg to support the resolution.

Babu AKHIL CHANDRA DATTA: I do not propose to make a speech, but I rise only to draw the attention of Government to the serious state of things in the district of Tippera, and Brahmanbaria subdivision within a mile of Akhaura Railway Station. The river has silted up there, and the result is that there is much damage every year. The position is so serious that the people have submitted several memorials to Government. In fact, I was called upon some time ago to move a resolution on the subject in this Council; accordingly I gave notice of the resolution, but unfortunately it was not reached. My object in speaking now is to draw the attention of Government to this serious state of things.

Mr. KIRAN SANKAR ROY: I do not propose to make a speech. This subject has been discussed for some length of time. But that is only natural as there are rivers in every constituency which require immediate attention. I want to draw the attention of the Government to two rivers of my district—Buriganga and Ichamati. In reply to a resolution which was passed in the last Council, a scheme was prepared and Rs. 30,000 was provided to have dredgers to dredge the river Buriganga, I would like the Hon'ble Member to tell us what has happened to that scheme or if the scheme is still under consideration. The district of Dacca is even now comparatively less malarious than other districts. The same may be said of the town in spite of the fact its Municipality has been neglected for a long time. I want to bring this to the notice of the Government that if nothing is done to these rivers at the earliest opportunity Dacca will become more malarious than any other district in Bengal, and I hope Government will give immediate attention to this matter.

[At this stage the Council was adjourned for 10 minutes.]

(After the adjournment.)

Babu AMULYA DHONE ADDY: Sir, I beg to support the resolution which has been ably moved by Babu Naliniranjan Sarker and subject to the modification which has been proposed by Maulvi Zannoor Ahmed. I would draw attention to the most deplorable condition of the Tolly's Nullah in the district of 24-Parganas and the river Saraswati in the district of Hooghly. As regards the Tolly's Nullah,

it has practically been silted up. I admit that last year the central portion of the Nullah was re-excavated, but the eastern portion has not been taken up yet, and it has practically been converted into a *nikasi*. As a result, the trade of Calcutta with 24-Parganas and Khulna has been seriously affected, and the trade of Chetla has been practically diverted to Magrahat in 24-Parganas. A large number of godowns have been lying vacant for a long period and the silting up of the Tolly's Nullah has been responsible for this. I fail to understand why its junction with the Baidyadhari river has been closed. That is the reason why the condition of the river has deteriorated so much.

As regards the Saraswati river, it cannot be called a river now: it is nothing but a *nikasi*, and the place through which it flows near Saptagram is now a jungle. There was a time when this place was a centre of trade and a congested area; but, Sir, it has now been turned into a jungle. The silting up of the Saraswati has caused the outbreak of malaria in the locality, which has practically been depopulated. The negligence of Government is responsible for this state of things. Therefore, I appeal to the Hon'ble Member-in-charge to pay special attention to the Saraswati in Hooghly and the Tolly's Nullah in 24-Parganas and have them re-excavated as early as possible.

Babu ROMESH CHANDRA BACCHI: Sir, this resolution about the improvement of waterways is so important that almost all the members have got a story to tell in respect of their districts. My district Malda is the first district of Bengal through which the Ganges makes its course on entering Bengal, and its branches, the Kalindi and Tulshi Ganga, entirely flowing through Malda have got their sources silted up with the same disastrous consequences to the health and prosperity of the people as in other districts. Sir, I have a similar resolution for my district, but as there is little chance of the same coming up in this session, I support this resolution though restricted in its scope with the hope that a precedent may now be created which in time may be extended to other districts as well.

Maulvi KADER BAKSH: I had no mind to take part in the discussion on this resolution because the question has been very thoroughly discussed, and I did not put in any amendment to this resolution including my district because I expected that Government would be kind enough to make some provision in the budget for improving the condition of Dinajpur. As I submitted last year when the budget was under discussion, the condition of Dinajpur was gradually becoming worse and its population has been reduced to almost half in the course of last 80 years. But I am sorry to find that there has been no provision made in the budget for the purpose of improving

the condition of the Dinajpur district. Now, Sir, when His Excellency the Governor visited Dinajpur on the 26th November, 1924, he was shown how the Ghagra river was silting up and how it was taking away hundreds of lives every month. I can tell you that Dinajpur, so far as the town is concerned, is the unhealthiest place in the whole province, and the condition of the other parts of the district is not hopeful. I can tell you that there are some thanas where the birth rate is much lower than the death rate. On the last occasion I told the House that the number of population of Dinajpur had come down 33 lakhs to 15. Now, what are the causes? The main causes are mainly due to want of proper drainage. It is neither a railway district nor a river district. The very few rivers that existed in the district and which used to serve the purpose of natural drains are now being silted up either through the negligence of the authorities or dying a natural death. There are some rivers on the railway line but they are also drying up on account of the culverts being very narrow, and in some places the opening of the culverts is being narrowed down still further. I can cite the instance of the Kakra river which is only 5 miles from Dinajpur town and which was a very big river formerly and through which people could go to the town by boats to attend district Board and other meetings. This was about 20 years back but now even in the rainy season small boats can hardly pass through this river. The Government officials do not dare visiting the district headquarters on account of its unhealthiness. Whenever a Government official goes to Dinajpur it takes about several months to correspond with the district authorities regarding the condition of the district and also regarding the motor communication. I understand that Mr. Hogg, who is going to visit Dinajpur, has been corresponding for the last 8 or 9 months as to whether there is motor communication or boat traffic. One has to travel about 59 miles by motor and so it is a very dangerous and difficult task, and for this reason the inspecting officers do not dare visit Dinajpur. So I submit that if Government had kept these rivers living they would have afforded another means of communication. So far as my district is concerned, the people in the interior are fast dying for want of a proper drainage system.

With these observations and bearing in mind the condition of my own district, I whole heartedly support this resolution. I appeal to the Hon'ble Member-in-charge to take into consideration the case of Dinajpur also although the resolution does not include it. Mr. Sasmal has said that there are 100 schemes regarding his district on this point: he ought to thank his stars that there are so many schemes but so far as my district is concerned, we have always been neglected and our prayers never reached the ears of the authorities. I hope the Hon'ble Member will kindly take into consideration the case of my district when considering this question.

Khan Bahadur Maulvi ABDUS SALAM: Sir, as one representin a Muhammadan constituency in the Jessore district, I think it my dut to give my wholehearted support to this resolution. It is a resolutio which is beneficial to the people of Bengal in all respects. It is a reso lution which, if enforced, at one thrust will slay several monsters, th monsters of cholera, malaria and kala-azar. I support the resolutio on three grounds—on the grounds of humanity, economy and prosperit of the people. We are spending so much money in these days on al sorts of schemes—anti-kala-azar scheme, anti-malaria scheme and o several other schemes which I do not remember now. But I may tel the House that it is the improvement of the natural waterways that wil remove the root cause of all these evils. It has been well said that th question of the improvement of the waterways in Bengal is the mos vital question, and that where rivers are dead or dying, people are als dead and dying. I have been to many places and have seen people who in my younger days were healthy and robust, now reduced to skele tons with big spleens and other complaints, owing to the decay of th rivers. Magura and Jhenida subdivisions in the Jessore district were in my younger days healthy tracts but now are malarial. There wa a river, Barasia, in the Magura subdivision, which has now silted u at its mouth. Big steamers in my younger days used to pass through that river, and carry merchandise of all sorts, but owing to the culpable neglect of those responsible for keeping up the natural waterways o Bengal, this river, which was once so majestic and noble, has now shrunk into an unhealthy and muddy pool, and has become the hot-bed of cholera, malaria and all sorts of diseases. I brought to the notice of the Irrigation Secretary, Mr. Addams-Williams, that there was a bar of sand at the mouth of the Barasia where it joins the Madhumati river, and that this bar should be removed in order to make the river navigable, but nothing has been done up till now. Sir, you are spending lots of money on all sorts of schemes, such as anti-malaria, anti-cholera and anti-kala-azar schemes and also on sinking of wells, but if you tackle this root cause, it will not only save the lives of the people and improve their health, but will also afford trading facilities and better their economic position, and on the top of it all, it will reduce expendi ture in other directions, such as sinking of wells, anti-malaria, an cholera, and anti-kala-azar schemes and supplies of quinine.

Railway bridges too, in the past have interfered with the course of rivers, such as the Gorai so that they have now become shallow. I cannot of course, say being a layman if the engineers realised in the past the necessity of culverts but I do say that it was culpable neglect not to have removed the silt at the mouth of the Barasia river in order to keep it navigable throughout the year. Government is expending huge sums of money on all sorts of canals, the Grand Trunk Canal, the Madaripur *Bheel* Canal and other canals. But it is a pity they will not take up and turn to account what Nature in its bounty has supplied

Bengal, namely, its glorious system of natural waterways, by means of small irrigation schemes. Government purchased several dredgers, *Ronaldshay*, *Burdwan*, etc., which the Hon'ble the Maharajadhiraja Bahadur of Burdwan said would be used in dredging some of the silted-up rivers. May I ask what has become of these dredgers? May I request Mr. Addams-Williams to send up some of them to dredge the silted-up rivers including the Barasia? There are other important rivers in the Jessore and Faridpur districts, such as the Kumar river; they were in my younger days navigable, but now have almost silted up and have become hot-beds of cholera and malaria. Why don't you remove the silt at the mouth of the Kumar river where it joins the Padma river? It can't be an expensive or difficult engineering feat, in these days.

With these words I would request the Hon'ble Member-in-charge to support the resolution which would be so very beneficial to all classes of the people of Bengal, in all respects.

Dr. MOHINI MOHAN DAS spoke in Bengali. The English translation of which is as follows:—

"Sir, I support Babu Naliniranjan Sarker's resolution because the problems of sanitation and agriculture in Bengal are intimately connected with her waterways.

Many of her rivers have silted up and flooding has become a regular and recurrent thing. The natural outlets of this water having been blocked up, it stagnates and breeds Malaria and Kala-azar.

Bengal has arrived at this miserable condition little by little, in the course of the last fifty years, during which railway embankments and bridges have multiplied and natural water channels have been diverted from their course. It was at this conclusion that Dr. Bentley came to as the result of his inquiries into the cause of the last floods in North Bengal.

But the Government are not prepared to listen to the public. It has been proposed to shut up the gates of all the canals having connection with the Kumar in Madaripur in the interest of the Steamer Companies, and though there has been vehement protests from thousands of men, Government have admitted that they stick to the project. We have no doubt that the Government think that they will do their duty by distributing some quinine when, in consequence of the step they will take, Malaria will appear in every house in the affected area. It is a step deliberately taken with full knowledge of the disastrous consequences it will produce, for, not only men but also their lands which are their means of subsistence will suffer by it. Without Swaraj we cannot effectually remedy this condition of things. I support this resolution in the hope that it might do at least some good."

Babu MAHENDRA NATH MAITY: I heartily support the resolution of Babu Naliniranjan Sarker as amended by Maulvi Zannoo Ahmed. About 15 years ago there was a severe flood in the Contai subdivision as the rivers and khals there were silted up and blocked resulting in heavy loss of life and loss of crops and making people homeless. In answer to my question the Hon'ble the Maharaja Bahadur of Nadia said on the 8th December, 1925, that a scheme has been formed for the discharge of water in the flood affected area. But to my question he has replied to-day that it is improbable that the project will be taken up in the near future.

As regards Suadighi and Gangakhali khals in the Tamluk subdivision I was informed on the 13th August, 1925, that a detailed project under the Sanitary Drainage Act, VI of 1920, was sent to the Collector of Midnapore for action. I am informed to-day that a scheme was sent to the Collector on the 22nd September, 1924, but on the 29th January 1925, about 4 months later, I was informed by no less a person than the Collector of Midnapore that no project reached his office.

These things show that the Government is not at all serious about these matters which are matters of life and death to the people. If the natural rivers and khals are made to run as before there would be no malaria and flood. I therefore request the Government to take prompt action to relieve the distress of the people who suffer from malaria for want of proper drainage and whose life and home are not safe from floods which take place now and then owing to the silting up of the rivers and khals.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I wonder what could be the reason for this sudden anxiety of the members of this Council to co-operate with each other as between the right wing and the left wing of the House to-day and to sail in the same boat over the "waterways." Perhaps, the reason is not far to seek—it is because that 3 or 4 months hence the new election is coming on. I do not know! However, I congratulate my friend Babu Naliniranjan Sarker for bringing this question to the forefront but I am sure he never thought that his resolution would take about a couple of hours that the House has given to it.

Mr. Sasmal has attacked the experts of Government so far as the schemes of the Irrigation Department are concerned. I think he considers himself to be a great expert in irrigation matters, otherwise, I do not know how he could be competent to challenge the schemes drawn up by an expert of the standing of Mr. Addams-Williams who I dare say is the best expert going in Bengal if not in India for the time being.

Mr. Ekramul Huq has tried to accuse me of some breach of promise, alleged to have been made by the Maharajadhiraja Bahadur of

Burdwan. I do not know if my predecessor gave an undertaking that he was going to be a second incarnation of Bhagirath and to keep the Bhagirathi flowing during his time. He could not however, do so.

Babu Boroda Prosad Dey has complained that nothing has been done in his district. I would remind him that the Hoorhoora and the Buxi khal dredgings have just been completed and we did put a dredger there. Babu Akhil Chandra Dutt has complained about certain rivers near Akhaura. I may tell him for his information that an officer has already been deputed to look into this matter. For the information of my friend Mr. Kiran Sankar Roy I may say that if he will look into the budget he will see that we have already made a provision of a lakh of rupees for the Buriganga in Dacca. So, the resolution with its amendments covers the whole of this province which is now in charge of the Irrigation Department. This department has been busy for a good many years in examining the various problems connected with the conservation of the rivers and khals. The subject is one of great magnitude and care has to be taken that the activities of the department are not spread over too wide an area. It is better to concentrate on specific cases and to work up projects with a view to getting something practical done than to spread the staff indiscriminately over the whole area: within the last two years preliminary inquiries have been made in the districts of Rajshahi, Malda, Pabna, Murshidabad, Nadia, Jessore, Khulna, Faridpur, Mymensingh, Dacca, Hooghly, Howrah, Midnapore, Bankura, and Birbhum and several projects have resulted, two of which, the Bhairab in the Meherpur subdivision of the Nadia district and the Gobra Nala in Murshidabad, have been included in the budget for the next year, for which the Council will be asked to vote grants.

Recently we have been asked to look into certain cases in the Chittagong Division and in the case of the Burdwan Division certain enquiries are being made regarding the improvement of the smaller rivers in the Hooghly district.

Two additional officers have been posted, one at Dacca and another at Rajshahi, to expedite matters and the Commissioners have been addressed in regard to the requirements of their divisions and the assistance they will require from the Irrigation Department. When all replies have been received, it is my intention that we shall hold a conference and then we shall decide which of the schemes we shall take up.

Government have also under consideration a proposal to expand the Irrigation Department as funds permit.

From what I have said, it will be gathered that these matters have been receiving our careful attention for some years and as Government are in full sympathy with the object in view, I accept the resolution.

The motions of Shah Syed Emdadul Haq and Maulvi Zannoor Ahmed were then put and agreed to.

The motion of Babu Naliniranjan Sarker was then put in the following amended form and agreed to:—

"This Council recommends to the Government that a survey be made of all waterways, *i.e.*, important rivers and khals, situated within the Presidency, Dacca, Chittagong and Burdwan Divisions and within the districts of Pabna, Bogra and Rajshahi of the Rajshahi Division, and that hereafter definite schemes be formulated for the improvement and maintenance of such of those waterways as may be found, in the course of such survey, to have deteriorated or to be deteriorating."

Compulsory physical culture for students.

Mr. A. C. BANERJEE: I beg to move that this Council recommends to the Government that immediate steps be taken to make physical culture compulsory for students between the ages of 12 and 16 in all schools affiliated to the Calcutta and Dacca Universities.

The object with which I move this resolution is obvious—it is to improve the physique of the Bengalee youth. He is to-day a physical wreck—a poor specimen of humanity. According to the latest report on the student welfare scheme, published under the auspices of the Calcutta University, there are no more than 8 per cent. of our students who are of good muscular build and not more than 50 per cent. of them of erect posture. Fully half of our student population suffer from general defects which include spleen, liver, lung and heart troubles. In imparting intellectual education to our young men, their health like the spiritual side of their character has been for all these long years wholly neglected. If an alien bureaucracy, which was till recently in charge of the education of our youths, has been indifferent as to its health, it was time that we the representatives of the people moved in the matter. In this matter, at all events, we all stand on a common platform—Swarajists and Independents, Liberals and place-hunters. The bureaucracy too, I am sure, will not fail to profess its sympathy with us. Having, however, done that it will come forward with its plea of poverty and bemoan as usual, its helplessness. It can find money to give away to give effect to the reckless recommendations of the Lee Commission; in fact in such matters it always shows remarkable resourcefulness. But when it comes to spending any money on the nation-building departments it becomes suddenly most pathetically helpless. In the matter of physical culture, however, the bogey of expenditure need not frighten one. Physical culture need not be at all costly. It is costly to-day because our boys are encouraged to go

in for expensive European games. If we encourage our boys to cultivate national sports, such as wrestling, lathi play, swimming and so forth, the cost will be next to nothing. In a country where more than a third of the population goes through life with one meal a day, and that even not a full meal, it is wicked waste of money to go in for expensive games such as football and cricket. Further, with a comparatively small plot of land for a gymnasium, you can teach a large number of boys, and that daily, wrestling and lathi play. This you cannot do so far as foreign games are concerned. Lathi play and wrestling, furthermore, will prove useful for purposes of defence, be it defending one's self-respect, the honour of one's women folk or one's village, one's hearth and home from the dacoits. The Government finding itself incapable of maintaining law and order, of protecting the remote villages from the ravages of robbers, have been helping people to organise themselves into defence parties. These defence parties will be able to give a good account of themselves if they are given some training in wrestling and lathi play. Last but not least, we should not forget that the youth of a nation is its asset. If our young men grow up as physical wrecks, the nation is doomed. It is therefore our first and foremost duty not merely to impart to them literary education but to help them to grow up as healthy able-bodied citizens with abounding vitality, capacity for self-defence and also for the joys of life.

SHAH SYED EMDADUL HAQ moved, by way of amendment, that in the motion of Mr. A. C. Banerjee, line 3, for the figures "16" the figures "18" be substituted.

He spoke in Bengali. The English translation of which is as follows:—

Sir, I have nothing to add to what the mover of the resolution has said on the necessity of physical culture. Physical deterioration is very much in evidence amongst us. My object in proposing to raise the age is that there are many students in our schools who are above 16. It is not just to leave them out. So I move the present amendment.

Maulvi ZANNOOR AHMED: I beg to move, by way of amendment, that in the motion of Mr. A. C. Banerjee the following words be added at the end, namely, "and in all maktabs and madrasahs".

Drill is a compulsory subject in Government and some aided schools but it is not taught systematically everywhere. The utility of well-organised games and specially of drill as an important factor in education has yet to be realised by the majority of school authorities. The Bakarganj District Board has the arrangement for training primary school teachers in drill by a peripatetic drill master. Over 42 per cent. of the Moslem boys at school in Bengal receive instruction in maktabs and over 31,000 students receive education in madrasahs. As madrasahs and maktabs are schools not affiliated to the Calcutta and Dacca

Universities it is desirable to make physical culture compulsory for all schools including maktabs and madrasahs. For that reason I beg to add the words "and in all maktabs and madrasahs" after the words "universities". With these words I beg to move my amendment which stands in my name.

Mr. PRESIDENT: Mr. Bejoy Krishna Bose, there is a motion standing in your name—I mean item No. 15 which seems analogous to this resolution and if you desire to move it now you may do so.

The Hon'ble Mr. J. DONALD: I submit it is not the same. It deals with quite another question.

Mr. PRESIDENT: Will you make your point clear, Mr. Donald?

The Hon'ble Mr. J. DONALD: Item No. 15 deals with physical exercises and military drill, but this resolution has reference only to physical culture. There is a good deal of difference between the two.

Mr. PRESIDENT: As objection has been taken, Mr. Bose will have to take his chance when his turn comes.

Maulvi WAHED HOSSAIN: In supporting the resolution which has been moved by my friend, Mr. A. C. Banerjee, I should like to make a few observations. The first thing which has struck me in the resolution is the word "schools". I think the mover has not used the word in its strictest sense. I take it that it means educational institutions and if that be the meaning then it will cover those institutions which are not properly called schools in the English sense of the term but which are practically educational institutions in which boys of the age mentioned in the resolution receive instructions—I mean the junior madrasahs and some maktabs as well as senior madrasahs. I also mean to suggest that there are *patsalas* also where boys of that age, *viz.*, at 12 and 16, receive instructions. So if the meaning of the mover is the same as I am suggesting then I think the word "schools" may be taken in a wider sense. I am not moving it as an amendment because I have not given notice of it, but I take it that that is the meaning of the mover.

There is another point to which I beg to draw the attention of this House. A question may be raised "what sort of physical culture is meant here?" Now one way of doing it is mentioned in the resolution No. 15, but I see there is some objection to it. If we leave aside military training then the question arises "Are there other ways of imparting the physical culture without incurring a large amount of expenditure?" But the mover of the resolution has pointed out that if we introduce indigenous exercises, the purpose will be selved. I beg to point out that having regard to the modern ideas and the ways in which boys are trained it would not be desirable to have only indigenous

modes of imparting physical culture. I think other modes of training should not be excluded even if it includes military training. By military training I never mean to suggest that there is some idea to train our young men for some ultimate purpose. At least that is not my idea. If by military training it leads to the development of physiques of our students certainly I would suggest that that sort of training should be included. There is another point to which I beg to draw the attention of the House. Whether it is desirable to make it compulsory. Perhaps some will say why not use persuasion alone and do not make it compulsory. My answer is this: compulsion and persuasion are twin sisters—the one is insuperable from the other under certain circumstances. We know as a matter of fact persuasion was used. The attention of guardians and teachers was drawn to the health of our students through the medium of speeches delivered from platforms and agitation was made in the Press; but yet neither the guardian nor the teacher has given that much attention to the physical training of their boys as is necessary. I submit persuasion has failed. We must have recourse to compulsion. In every direction we find that persuasion has failed. I think, Sir, it is now our duty to introduce some element of compulsion in order to achieve that object. Here compulsion will not be of obnoxious nature, for all compulsion is not obnoxious. We know that even in literary subject, compulsion is applied. Certain subjects are taught compulsorily. Therefore I do not think that there should be any objection to it simply because the idea is to make the training compulsory. With these words I beg to support the resolution.

Dr. H. W. B. MORENO: I rise to support the resolution moved by Mr. A. C. Banerjee, but I do not do so as a place-hunter for that is the category which I think Mr. Banerjee likes to put me into. I seek no favour even if it emanates from the brow of Mr. Banerjee himself. I do so because of my experience as a teacher both in Anglo-Indian and Indian schools and colleges. I have noticed that a good deal of deterioration of the physique of the people of Bengal has taken place. There is not the least doubt that those who have been intimately connected with education in this province have noticed that there has been a steady deterioration of physique. In England, Sir, no appeal to the boys or force is necessary and the Head Masters have not to seek counsel in any Council. The consequence is that an English school boy is rightly considered what the term *mens sana in corpore sano* embodies. In Anglo-Indian schools we have made our boys take an interest in physical exercises. I remember when Cadetships were granted to Anglo-Indian schools, boys were forced to take a certain amount of drilling, but in Indian schools what happens is this. As soon as the schools are closed at 3 P.M. boys are just turned out like so many sheep. There seems to be no regard for them or for their development after they have been given the usual intellectual training. They are sent out and neglected entirely by

those in charge of the institutions. As a result voluntary organizations came into force and men who are interested in physical exercises get together and with the help of donations, etc., from sympathetic persons afford recreations for these young men. We know how the boys live here in congested surroundings and without any proper physical exercises. When we approach the Commissioner of Police we are told that the Maidan is not elastic and the result is that these boys have to spend their evenings in very insanitary sorroundings and in congested lanes and alleys and they get practically no physical recreations. Now, Sir, it is all right to place upon voluntary organizations this burden and say you look after these young men and develop them as much as you can. But I think the whole obligation should not fall upon voluntary shoulders of those who come forward so loyally and so generously. It is the paramount duty of the Government and a duty which is more urgent now than it was ever before on the part of Government. We know here in India the enervating climate affects most seriously the physique of the boys. I was connected in a small way in the formation of the Bengali Regiment and I noticed how many young men failed to join the force. They were keen as mustard but they fell short of the standard required for military recruitment and it was pitiful to notice how these young men had to be sent away. The Calcutta University have done their best to investigate the whole problem and the Students Welfare Committee is doing its best so far as college students are concerned. But in the schools nothing is being done and much as we may condemn seditious and immoral talks among our young people in Bengal there is not the least doubt about the fact that it is simply due to their having no opportunities for developing themselves along the right lines. A great deal of improvement alone on other lines may also be effected if something is done in this direction. I do not think that a resolution of this kind will mean very much for the Government. They may accept it and I can suggest a way to Government by which they can bring it into force so far as schools are concerned. Of course so far as Government schools are concerned there is no difficulty. They are bound to obey the orders of Government. But most of our schools receive Government grants and there may be made a condition that these Government grants are to be given to schools in future only if a certain amount of time is given to the physical culture of boys. If such a condition is imposed there will be a real attempt towards making these young people develop along physical lines. I see therefore no reason why Government should not accept the resolution and speaking from this side of the House as one who has had some experience with regard to Bengali young men I most heartily support this resolution.

Dr. PRAMATHANATH BANERJEA: Sir, I rise to support this resolution. Many important resolutions have been tabled for discussion at this meeting of the Council, but to me it seems that none is more

important from the national standpoint than the motion which has been moved by my friend Mr. A. C. Banerjee. Our efforts to ameliorate the condition of the people will be of no avail; our political aspirations will fail, if we are unable to build up a healthy, strong and sturdy manhood. But what is the present position with regard to the health of our rising generation? The Calcutta University has established a permanent committee to look after the welfare of the students and the report of this Committee published in 1923 shows that 66 per cent. of the total number of 7,700 cases examined by that body were physically defective in some way or other. Now, this is a very unsatisfactory state of things, and it is high time that serious steps were taken to improve the position. Sir, the Calcutta University has considered this matter from time to time. As early as 1892 the Senate of the University was moved, but it was not till 1925 that a circular was sent out to all schools. The Circular was to the following effect: "It is urgently necessary that one or other of the schemes for physical culture should be introduced without delay in every school and that the scheme should be compulsory and form some part of the school curriculum". The circular then went on to say—"The University think that each school should act for itself in the matter and make either drill or physical exercises or organised games compulsory. Failing this being done the University will consider the desirability of making the undergoing of some such course compulsory for admission to the matriculation examination of the University". A circular letter was also sent out to the authorities of all colleges in which it was stated that it should be made compulsory for all students in the 1st year classes to undergo some form of drill or physical exercise or organised games unless the students were members of the University corps or debarred from physical disability. Secondly, every college should employ a qualified instructor for supervising drill, physical exercises and games and giving such instructions as was needed at stated hours. The University also approached Government for help in this matter. My friend, Mr. A. C. Banerjee, has pointed out that these games need not be expensive. I agree with him; but some expenditure is sure to be involved and it is right and proper that Government should agree to incur this expenditure. Sir, physical exercise is the key to physical fitness, and it is right and proper that the physical exercise of our students should receive the earnest attention of very well wisher of the country in this House, and I hope this resolution will commend itself to the Council.

Mr. F. E. JAMES: Sir, no one I think will deny the tremendoue need for physical culture of all kinds for the students in Bengal. I should have been happier if the mover had included in his resolution girls also. There is no doubt that the health of the students is a matter of very serious concern. In the 1925 Report of the Students Welfare Committee I find that 67·5 per cent. of all students have been

classed as totally defective. Now, Sir, I should like to point out one thing to the House: that has not been touched upon by any of the previous speakers and that is this, that while admitting that a proper system of compulsory physical education will do much good, the cause of this defective health among the students go very much deeper. The causes lie in mal-nutrition and in many of the social practices. Personally I believe that one of the heaviest burdens that young men in Bengal have to bear is early marriage, and there is nothing which so saps the vitality of youth as that. Then there is the third consideration—how many of the students come to the Calcutta University sodden with malaria and with tubercular tendencies. The fourth reason is the extraordinary bad housing conditions among the students. I am aware that things have improved during the last 15 years—improved beyond all recognition, but even to-day there are hundreds of students living in houses the condition and surroundings of which are a positive scandal to any civilised country and surely that is one of the main reasons why their health is so bad. There is need for attention being given to the question of mal-nutrition. I believe, Sir Nilratan Sarcar was perfectly right when he suggested during a recent discussion in the Senate that the problem of bad and inadequate fooding needed to be thoroughly investigated. There is also need for health lectures and hygiene classes: there is need for better housing. Anybody who is able to improve the housing condition of students will be doing far more to remedy the real causes of bad health among the students than physical culture. Yet, Sir, I do wholeheartedly support the motion for compulsory physical training in all schools and colleges, but I would point out that in all countries where compulsory physical training has been adopted, its object has not been to remedy the defects in physical health which are caused by the social system prevailing among students. These are basic things and they must be tackled, and in comparison with these basic things the other questions are of lesser importance. Now, Sir, I have heard people speaking glibly of making physical culture compulsory in schools and colleges. I would like to ask them whether they understand the full meaning of this question. It is no use the Government's passing an order for compulsory physical training—such an order will perhaps remain a dead letter. Unless there is a well thought-out scheme, such an order will be of no use. In such a scheme there are three things which are mainly essential: First of all, in every school and every college there must be proper facilities and equipment for regular physical education. In the second place, there must also be proper leadership. I am not one of those who believe in the efficiency of voluntary leadership in the matter of physical education. If the job is worth while, it is worth employing a man who is properly trained. In this matter voluntary service is unsatisfactory both as regards time and reliability. You will find that

wherever a college or school has undertaken a scientific system of physical education it has to employ a man specially trained in that subject. And the third essential, if you want to make physical training a real thing, is finance. These things cost money and who is going to pay. The authorities of the schools or colleges will tell you that their resources are already overtaxed by the demands of the University. Any additional scheme will cost money and cost a good deal. You will find that the practice in America has been for the Federal Government since 1920 to contribute dollar for dollar to any State which passes a law in favour of compulsory physical education. This law was passed in 1920 and by the beginning of 1924 I find that 32 States have passed physical education laws and many of them have had to find funds for themselves. In the Dominion of Canada where there is compulsory physical education—it is quite different from compulsory military training—you will find that municipalities and districts are called upon to contribute dollar for dollar to the amount contributed by the State. Therefore when we discuss a question like this, we must remember what its implications are. Let us have it by all means, but let us also remember that it needs a carefully thought-out scheme which will cost money. We should know whether the taxpayers of Bengal are prepared to pay for this.

[At this stage the Council was adjourned for 15 minutes.]

(After the adjournment).

Mr. PRESIDENT: Gentlemen of the Council there is a garden party at Government House to-morrow and several members of the Council want to attend it. In order to suit their convenience I have decided that the Council should meet to-morrow at 10-30 A.M., instead of at 3 o'clock.

The debate will now continue.

Babu BEJOY KRISHNA BOSE: For a good part of a year I have been trying to get a resolution moved in this Council for physical training of boys in schools and military training of college students, and though I had almost an opportunity of moving it to-day I do not know if I shall have the opportunity of moving it in future during the life of this Council. In spite of this position I support the resolution of Mr. A. C. Banerjee for what it is worth. In connection with this resolution I find that a question was put on the 17th August last by Babu Manmatha Nath Roy, a colleague of ours. The question was whether it was in the contemplation of Government to introduce compulsory physical training and military drill in our colleges and schools and whether steps for this purpose were being taken? To that, Sir Abd-ur-Rahim replied that physical training was already compulsory

in Government and Government-aided schools and that it was a general optional subject in colleges and unaided schools and that a copy of the drill book and two circulars of the Education Department were put on the library table. I find that all that the Government wanted to impress upon the Inspectors of Schools was that in 1921 Government sent their circular No. 37 through the Director of Public Instruction to all Inspectors of Schools. I find there that the teachers in charge of schools were enjoined to be present at and encourage healthy games among the pupils. It is very desirable from all points of view that teachers should give, apart from their regular work of school rooms, encouragement to physical exercise and other forms of activity and that this fact should be recorded to their credit. It follows that when a teacher takes no part in the outside life of his pupil the fact should be recorded against him.

It was more or less an instruction to all teachers to join their boys in healthy games and sports. It did not say in so many words that physical training should be compulsory in the schools and that there should be courses of physical exercise or drill or anything of the kind. I, therefore, submit that that circular does not go far enough. By circular No. 38 to all principals of colleges which is also in the same strain professors were asked to be present at healthy games and sports. Healthy game undoubtedly is a form of physical exercise. If teachers did not attend these healthy games the fact was to be noted against them but if they did attend, it was to be noted to their credit. That is the reason why I support this resolution which recommends that physical culture must be made *compulsory* for students. I do not go so far as to say that it should be made compulsory in all maktabs but I want to say it should be made compulsory in all schools under the University. Why I support the idea that it should be compulsory is this: we do not take to any sports or any drill unless there is a punishment attached for non-attendance. I think a penalty must be attached to the non-performance of any specific instruction; for instance, a notice has been issued by the Calcutta Corporation that no house refuse should be thrown on the roads after 8 A.M. and 3 P.M. but what do we find—the rule is observed more in the breach. If we attach some penalty to this breach then we shall find that no one will throw house refuse on the roads between 8 A.M. and 3 P.M. So in this case also if we lay down that unless a boy takes part in physical exercise this will retard his promotion from one class to another, you will find that compulsory physical exercise will be introduced in almost all the schools under the University.

A reference has been made by some of the previous speakers to the Students' Welfare Scheme of the Calcutta University. Under that scheme during the last 5 years many schools and colleges have been visited and I understand the Calcutta University have spent something like Rs. 25,000 every year in carrying it out. Reference has also been

made to the fact that 66 per cent. of the boys, as we find in the last report, are not healthy for one reason or another. I have got here the report of the last 5 years of the Students' Welfare Scheme and we find every year the same complaint have been made when boys were examined by medical men and other people who formed the committee. In March, 1920, the committee was first formed and a report was submitted in 1921. I may read only one or two passages. In the first year we find from the report that roughly speaking only 33 per cent. of the students are free from defects and about 67 per cent. are defective in some way or other. This means that two-thirds of the student population have got some disorders to be attended to. It is high time that some steps are taken to remedy this disastrous state of affairs. This was in 1921. In 1922 so many as 3,800 students were examined and we find from the report that about 41 per cent. of the students showed stooping posture. It is the very opposite of people having muscular bodies and performing physical exercises. We further find that out of a total of 3,455 students 899 have been found to be suffering from some form or other of general defects. This gives us a percentage of about 26 per cent. The percentage table of general defects is given at page 13 of the report for 1922. We find that about two out of every three students require attention. We find that in 1923, 5,774 students had been examined and that about 71 per cent. of the students suffer from some sort of defects and many of those are of the preventible type. We further notice that about 8 per cent. of the students are muscular and want of physical exercise have made 92 per cent. of the students physical wrecks. The want of muscularity is due to insufficient feeding in poor students and want of proper physical exercise in all. This report further says at page 18 that about 71 per cent. of the students are defective in some way. It will be found that the average Bengali student attains maximum physical efficiency about the age of 21 after which there seems to be a decline. The incidence of disease increases after the age of 21 showing a weakening of the resistance of the body after the period of maximum efficiency. So that when they become young men of 21 there is a physical deterioration and deficiency. They say in the last portion of their report that nearly 7 out of 10 students require medical attendance. That was in 1922.

In 1923 the total number of students examined were 7,443 and we find at page 3 that 8 per cent. of them showed good muscular development and the rest were thinly built. I now make one more quotation from that report: About 66 per cent. of the students were defective in some way or another. This means that two out of three students require medical attention.

The report of the year 1924 covers the examination of 9,056 students and it is said that about 7·5 per cent. show good muscular development and 45 per cent. of them have a stooping posture. The younger the student the greater is the strain proportionally.

And lastly, Sir, we find that, as Mr. James has pointed out, at page 10 of the report, that about 67·5 per cent. of the boys are defective. In view of all these figures I do not think any words of mine are necessary to impress upon the Government the necessity of making it *compulsory* on boys in all schools and universities to undergo some physical training.

Babu KHAGENDRA NATH GANGULY: This resolution moved by Mr. A. C. Banerjee is almost analogous to resolution No. 15 of Babu Bejoy Krishna Bose and resolution No. 52 over my name. Sir, the matter is so very important that I would request the members of this House to sink all considerations of party and to pass the motion unanimously. It is a common talk amongst us that our physique has considerably deteriorated since the time of our ancestors. In fact there are not people wanting who actually witnessed feats of strength on the part of men of the last generation which to us read like a sort of romance. Leaving aside mythological epochs and even ignoring the stories of old men, can we not from our own personal observations and knowledge bear testimony to the fact that in our younger days we went through a great craving for physical culture which is sadly lacking at the present time. Do we not see for ourselves that the number of well-built muscular young men who were looked up to with admiration has been considerably reduced. Our boys no doubt go through a course of intellectual training—good, bad or indifferent, but are they receiving any sort of physical training? Well, in some schools there is a sort of dilettante physical culture, but that is neither compulsory nor systematic nor adapted to any prescribed standard. The result is that very few of our schools boys avail themselves of the training imparted. Besides that the standard books prescribed for the boys by the University take away the best portion of their vitality leaving considerably smaller stamina for the improvement of their bodily frame. We have just heard from Doctor Banerjea and Babu Bejoy Krishna Bose that the health of about 66 per cent. of our boys is defective.

Sir, unless we make physical exercise compulsory in our schools, neither the school authorities nor the boys will take kindly to the system. It is a well-known truism that without healthy body there can be no healthy mind. The development of the body and mind are interwoven with each other and should not be separated one from the other. There is an abnormal tendency on the part of our student community to patronise sports—specially the game of football. I do not decry the spirit which animates the students nor do I minimise the benefits which are derived from sports, but I do say with all the emphasis I can command that strength of body is essential for a good all-round sportsman. It is no use ignoring or denying the fact that our students are mostly timid by nature and the principal factor which contributes to this timidity is their want of sufficient bodily strength. No sooner they get

strong than their weakness and timidity will vanish. Strength of body is not only a great curative of cowardice but it acts as an important preventive of many diseases. Every one of us knows that a strong healthy body is generally immune from the attacks of fever and dyspepsia—the two most prevailing diseases of Bengal. Well, how our hearts go out in pity and sorrow at the sad spectacle of thousands of young boys in broken health and wrecked constitution going about the streets. These young boys are the future hopes of our country and it is essential that they should be able-bodied enough to cope with the country's demands. They will have to bear the black man's burden as our rulers are so "faithfully" bearing the "white man's burden".

Sir, if we, the representatives of the people of Bengal pride ourselves on our patriotism, if our hearts beat in sympathetic response to the miseries of our motherland and if we are sincerely desirous of ameliorating the miserable condition of Mother Bengal, one of the principal and most important factors for regenerating the country is to make the sons of Bengal more powerful in body and more vigorous and active in their habits, to enable them to effectively mould the destinies of their country.

Babu BORODA PROSAD DEY: If I rise to speak on this resolution at this fag end of the day, the very importance of the subject is my excuse—and I am also very intimately connected in Serampore with two schools where about 1,000 boys receive their training. We have given this matter our very best consideration but we find that, although it goes without saying that this physical culture is very necessary—I would have almost said most necessary—to all our young ones, yet it is very difficult to introduce it—far less to make it compulsory for all boys to take lessons in physical exercises. Sir, the one thing that troubles us is, how to put the hour for physical exercises during the school hours, *i.e.*, from 10-30 A.M. to 4 P.M., especially in the hot days we cannot put the hour for physical exercises during these hours, because it is rather very inconvenient not to say hard, and also if we fix the time for physical exercises after the school hours there comes the difficulty in supplying the boys with some food. If they are made to undergo physical exercises without food after a day's work, it is almost a cruel thing which we think cannot very well work.

Then again, Sir, it has been said by many members that the want of physical exercises is the only cause for the deterioration of the present physical condition of our boys, as if there is no other thing which mainly tends to the same state of things. Sir, the want of nourishment, want of proper subtantial food—these, I think, play a very important part in the physical condition of our boys. Without doing anything in that respect if we simply compel our boys to undergo physical exercises and make it compulsory, without taking into account the fact that some boys are physically unfit to undergo these exercises, it will certainly not tend to the improvement of this physical condition but will go the

other way. So in this connection it will be necessary, if Governmen wants to move in the matter, as they ought to, they ought, with the hel of the Calcutta and Dacca Universities, to send out roaming committee to go into the question fully and then to make suggestions not only fo physical exercises but for other things which are also very necessary fo the improvement of the physique of our boys. So it is not a very easy question and I hope Government will accept this resolution. At th same time Government should take proper steps so that a very ful scheme for improving the physical condition of our boys may be brough out and given effect to.

Mr. S. C. MUKERJI: For about 25 years I have dealt with botl school and college boys and I wholeheartedly support this resolution, bu on one condition—that at half-past one or two o'clock the boys must b given a substantial tiffin. If Government can provide money t enable school and college boys to have a substantial lunch between half past one and two o'clock, then I have not the least objection to thi resolution being accepted in a most wholehearted fashion. Sir, in certain mission school there was a hostel and about 40 boys were living i it. The school authorities wanted a Doctor to come and examine all thes 40 boys, and after a very careful examination by a medical missionary i was found that more than 50 per cent. of the boys had incipien tuberculosis. It was an amazing revelation, because these boys had good deal of physical culture immediately after the school hours at o'clock. The Doctor said it was all very good to take physical exercis after 4 o'clock, but what about the meals of the boys? It was found tha they had one meal at 10 o'clock and another meal after they had thei physical exercise at 6 in the evening. In such circumstances, physica culture does more harm than good.

Dr. BIDHAN CHANDRA ROY: Hear, hear.

Mr. S. C. MUKERJI: I am very glad that there is a Doctor seate over there and I think he endorses what I say. Unless these growin boys get a sufficient amount of food, hard physical labour is very harmful Boys have come to me over and over again crying খিদেতে নাড়ী চোঁ চোঁ করে অন্ততঃ ফিজিকেল ড্রিলটা বাদ দিন; they suffer from the pangs of hunger afte so much mental labour, that physical drill is nothing but a real punish ment without sufficient food. These are, however, some of the practica difficulties, and unless they are overcome, it is no use passing a resolutio like this.

Mr. ABDUL LATIF BISWAS: Sir, I rise to support the resolutio moved by Mr. A. C. Banerjee. The resolution has got an importan bearing to the nation. Students are the future prop of the nation. Ther is no denying the fact that the majority of our students are sufferin

from physical defects and the description as given of them by Babu Bejoy Krishna Bose and others will convince the House that this measure is essentially necessary. Sir, we find that as soon as a young man finishes his student career we find him, like a machine, out of order and unfit for good work. We find him a gentleman but though he has the good of the country at heart and is anxious to do much for the country his physical defects stand in the way of his success. This sort of culpable neglect on the part of students is gradually making us a nation of weaklings and is tarnishing our national prestige and honour. So it is our bounden duty as representatives of the people to move the Government to take steps so that these defects may be remedied. Sir, Government has got an obligation to set the things right. We are appealing to the Government to remove the defect that lies in the way of the growth of the nation. Sir, the resolution is so essential that I have no misgiving as to the acceptance of it. If we are not strong, if we do not have national strength then we will not be able to maintain our prestige and honour at the time of need. With these words I support the resolution.

The Hon'ble Mr. J. DONALD: Sir, in Mr. A. C. Banerjee's resolution, as it stands, there is no mention of sex. He presumably wants to include girls as well as boys within the scope of his proposals. I may as well say at the outset that I propose to accept this resolution. The advantages of physical culture have been spoken of by various speakers and it is no use my repeating them. We have recognised them already in our Government schools and we are fully prepared to co-operate with the University in giving effect to a general scheme of physical culture. As I have said it is already a part of the curriculum in Government schools and in aided schools. This little book which I hold in my hand contains the exercises which are given in our schools. We regularly train 30 teachers a year for the purpose of giving instruction in physical culture in our schools. If this resolution is carried we shall endeavour to train a larger number, we shall endeavour to train them better and improve the physical training that is already given in the schools. But it is for the University which controls unaided schools to make it compulsory there. Dr. Pramathanath Banerjea has told us that the University took steps in this direction so far back as in 1892. I find that the steps taken in that year were that the University rejected a proposal of this sort. In 1918 they appointed a Committee and that Committee never met. However, latterly they have made up their mind in the present direction and they circularised schools in August last, asking them whether they would like to introduce drills and physical exercises as part of their school curriculum. As I said we will co-operate with them in this matter. Mr. S. C. Mukerji has raised a medical question, and I agree that we must be careful in dealing with children of the age under consideration as to their physical capacity for physical culture in every respect. Then there is also the financial side.

That is not very much. The question will however have to be examined how far school authorities can help, whether additional fees should be imposed, and so on. All these things have got to be carefully considered.

As regards madrasahs, physical training does form part of the curriculum. But in maktabs there have been difficulties in introducing it there. But if it is so desired we are prepared to introduce it there too as part of the curriculum.

I have no objection in accepting either of the two amendments and the resolution.

Mr. A. C. BANERJEE: Sir, in replying, I would just say one or two words. With regard to the question of finance to which a reference has just been made by the Finance Member I pointed out in my speech that it need not necessarily be an expensive affair. If you proceed to introduce physical culture on foreign lines into our institutions then it will be an expensive affair as it is now. Sir, I am associated with a large number of sporting institutions in Calcutta. The Secretary of one of these institutions came to me some time ago and asked me for a pair of bats and half a dozen balls for a match which they were going to play. I sent a chit to a sporting firm and when the bill came I was staggered. It was something like Rs. 70 and odd. This is a sort of thing which we cannot afford, as I have said in my original speech. We are poor people living in a country where the majority of the people do not get one square meal a day and we cannot indulge in any such expensive sports. I lay emphasis on the fact that our sports should be of a national character such as *lati play, wrestling or hadududu.* They cost very little. Wrestling requires only a bit of ground and in the mufassal there are clean sheets of water where one can learn swimming. So you will see that these things do not cost much money. But what do we find in Calcutta? Only a dozen or so of players playing football and with 20,000 people looking on. Very few of our students really take part in the play in the Maidan—either in football or in cricket. The reason is that they cannot afford it.

As regards the question of food which has been referred to by Mr. Mukerji, it is right that a young boy having his daily physical culture must have nutritious food. Otherwise, he would come in for wasting diseases such as phthisis. Sir, in my younger days I used to have my physical exercise and I may confess that I was a *chela* of Captain J. N. Banerjea. I used to go to the *akra* every morning and do a little wrestling and other exercises, and what was our food after the exercise! It was gram soaked in water with perhaps a little ginger added to it. This does not cost us much. But if you want your boy to have his cup of tea and poached eggs, his chops and cutlets or expensive Indian sweetmeats after the exercise they will certainly cost money. But that is not

needed. With a pice or so a day you can have good nourshing food such as we used to have in our younger days. But if you want to import foreign habits it will be an expensive affair. If you take to the national food along with the national exercises you will find everything will be quite all right. I do not blame Government for importing their own exercises in this country because they do not know anything else and they are not told either what would suit our people best.

As regards madrasahs and maktabs and patsalas I personally do not think that we should start with them now. They are not under the control of any organised institution such as the Calcutta University, or of Government. There are, of course, many maktabs and patsalas who receive grants from Government or from the Corporation but I know from personal experience that many of them do not exist at all. At the time of inspection a few boys are got together and after they have got the grant they cease to exist. There are may such bogus institutions in Calcutta. I was a President of the Primary School Committee in the Corporation for some years and we made an investigation and found that many of these institutions were bogus, and certainly not one of them is under the control of the Calcutta University. Therefore it will be useless to make physical culture compulsory there. If you want to make it compulsory it must be done in such institutions as are under the control of the University or some such organised body.

The motions of Shah Syed Emdadul Haq and Maulvi Zannoor Ahmed were then put and agreed to.

The motion of Mr. A. C. Banerjee was then put in the following amended form and agreed to:—

"This Council recommends to the Government that immediate steps be taken to make physical culture compulsory for students between the ages of 12 and 18 in all schools affiliated to the Calcutta and Dacca Universities and in all maktabs and madrasahs."

Adjournment.

The Council was then adjourned till 10·30 A.M., on Tuesday, the 23rd February, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 23rd February, 1926, at 10-30 A.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council and 96 nominated and elected members.

Resolutions

(on matters of general public interest).

Unemployment amongst seamen.

Mr. PRESIDENT: Mr. Daud, before I call upon you to move this I would like to know whether you have received the consent of the people whom you have named in your motion in order to make it complete.

Mr. M. DAUD: I have received the consent of Mr. Mahbubul Huq. As far as the others are concerned I was not written to by the Secretary of the Council to take the permission of the respective associations. As regards the Hon'ble Member of the Marine Department as he is a Government Member I did not think it necessary to get his consent.

Mr. PRESIDENT: I would like to know whether you have got the consent of those associations whom you have named.

Mr. M. DAUD: So far as these are concerned I was not written to by the Secretary of the Council to get their consent. I have received only the consent of Mr. Mahbubul Huq and that has been duly submitted to the department.

Mr. PRESIDENT: You may proceed, Mr. Daud.

Mr. M. DAUD: I beg to move that this Council recommends to the Government that a committee consisting of—

(a) one representative of the ship-owners to be nominated by the Calcutta Liners' Conference or by the Bengal Chamber of Commerce;

(*b*) one representative of the seamen to be nominated by the Indian Seamen's Union;

(*c*) the Hon'ble Member in charge of the Marine Department, Government of Bengal;

(*d*) Mr. Mahbubul Huq, M.L.C.; and

(*e*) the mover;

be formed to inquire into the causes of unemployment amongst seamen in Bengal and to advise what remedial measures should be adopted.

Unemployment is a subject to be dealt with in all seriousness and earnestness. To the man who has something in him, unemployment is worse than death and only too many have sought in death and escaped from this mental torture. It is rather callous to be able to spend money on expensive pleasures as long as so many of those who fought for the country would remain unemployed. But let us at least do all we can for them. So when we discuss this subject it must be with one idea of giving helpful suggestions or making hopeful facts known, and not of putting forward so-called interesting theories to provoke a lively debate. I, therefore, ask the House to believe me that I shall not talk to try to be entertaining, but I shall deal with nothing but facts and suggestions which will be helpful for my colleagues here to solve the problem.

The Indian seamen are a class of workers who are to work on board ships in foreign countries and practically in all the continents, namely, Europe, America, Australia, Africa as well as in some parts of Asia. Unlike the ordinary services of the local workers working in factories, railways, mines, tea gardens, jute and textile mills, etc., their services are mainly based on contracts either for 3 or 6 months and in some cases for one year in accordance with the provisions of the Merchants' Shipping Act. That is, the whole seamen labour is governed, so far as the tenure of their services is concerned, by the Indian Merchant Shipping Act. The local workers have one advantage in their services and that is continuity. Very seldom they remain unemployed. They can manage their works in one industry or other and can thereby maintain with short intervals the continuity of their services, and thereby their hardships in the arena of unemployment are less when compared with those of seamen.

Seamen labour is not a new labour in this country. India had her own merchant ships before the advent of the British. Merchant ships at that time were generally manned on family system. That is, the head of the crews generally engaged his relations, nearer or distant.

With the advent of the British, merchant ships of Britain, America, France, Germany, Italy, Austria and other nations began to carry

on trade with India. Finding that crews belonging to those nationalities were more costly, the merchant ship owners began to engage Indian crews on their vessels at a much reduced rate of wages. In the year 1838, some regulations were passed in the form of legislation to govern this Indian seamen labour. Finally in the year 1859, the Indian Merchant Shipping Act was passed by the Indian Legislature on the lines of the British Merchant Shipping Act. As crews were very rare at that time to serve on board ships in foreign waters, the system of inducing men of coastal districts such as Chittagong, Noakhali, Faridpur, Dacca, etc., to join sea-services was introduced and for that purpose licensed shipping brokers were employed. These shipping brokers hawked with money from door to door in Calcutta as well as sent their agents to the above coastal districts for the purpose of inducing men to join as crews on board foreign vessels. In this way non-Indian ship owners got the services of Indian crews at a rate of wages which counted almost nothing in comparison with that of the rate of wages which they were to pay to the crews belonging to their countries. Thus Indian seamen came to engage themselves in foreign ships due somewhat to the above inducement, poverty or to their seafaring nature. And thus the poor Indian crews fell victims to the non-Indian employers who began to exploit these seamen in all possible ways.

The Indian Merchant Shipping Act of 1859 gave all facilities to ship owners relating to their control over seamen and further through the nature of their contractual services debarred them from having a "strike" during the tenure of their services for the removal of any grievance, however reasonable that might be and the law is so very strict that any higher officer can penalise the crew even for disobeying his order, reasonable or unreasonable. But on the other hand, there is no provision in the Act to settle any dispute that might arise for legitimate enhancement of wages, insurance for unemployment, etc. That is, every facility was given to the ship owners on the one hand and on the other hand, every care was taken to cripple the facilities, comforts as well as other material advantages incidental to seamen's services.

In the beginning, men were attracted to sea-services as the number of seamen were then much less than there were jobs and naturally they were attracted, because at that time great care was taken for them when they were on board ships and also with a hope that substantial wages might be given to them on the prosperity of the ship owners.

Hence, more men began to join sea-services and it would not be out of the place if I mention here that the Hindus were not attracted to the sea-services due to their caste prejudices. So it was the Muhammadans who began to join sea-services in their thousands. For some

time the charm was so very great that more men came to join with the least thought of future unemployment. The relations and neighbours of these seamen began to follow sea-careers on hearing stories of different lands and hopes of future prosperity as well. Consequently, the number began to swell year after year and thus they began to fall in the claws of the recruiting agents, *viz.*, the shipping brokers and ghat serangs. The shipping brokers who once hawked from door to door to recruit seamen, now finding the number of seamen to be much greater than the actual number of jobs on board ships began to play their game on the poor seamen to satisfy their persoual ends. Thus men in order to have an early employment were naturally obliged to satisfy the brokers and ghat serangs in the shape of illegal gratifications for giving them jobs. In this way the seamen began to be exploited on the one hand by the ship owners in various ways and on the other hand by the brokers and ghat serangs for their employment.

In the year 1914 when the Great European War broke out more men were needed for merchant ships as well as for tramps and other boards necessary for the purposes of the war. Greater care was taken at that time to recruit seamen in those ships and new men were engaged in thousands to man those ships. Unemployment was practically nil at that time. The seamen instead of being afraid to go to work on board ships during the days of the war, cheerfully signed their articles of agreement in those merchant ships and tramps to offer their best services at the cost of their lives for the cause of the Empire during its peril notwithstanding the expected dangers of submarines and torpedoes, and thousands of seamen sacrificed their lives for the King and the country. Their heroic services were however highly appreciated and recognised and glowing tributes were paid to them by the Admiral of the East Indies and the then Governor of Bengal in Council. They are as follows:—

(1) The Admiral of the East Indies said—

He knew them (seamen) both in peace and war. He found them behaving admirably in the face of danger. His opinion of the lascars is that, properly led, they can go anywhere and can accomplish anything.

(2) His Excellency the Governor of Bengal in Council fully endorsed the appreciation of the Admiral of the services rendered by the lascars:

His Excellency the Governor in Council is further pleased to note that of the large body of lascars who went to sea from the port of Calcutta not even a single lascar, although he had experienced torpedo attacks more than once, refused to face the sea again. These considerations led His Excellency to bear testimony to the devotion to duty and the courage displayed by lascars of Bengal and Calcutta. (*Sd.* F. A. A. Cowley, Secretary to the Government of Bengal, dated November, 1918.)

His Excellency Lord Lytton in opening the Lascar Memorial in 1924, also paid a high tribute to the heroic services rendered by the lascars during the time of war. The Hon'ble Mr. Donald, the Member in charge of the Marine Department and the President of the Lascar Memorial Committee also joined hands in paying tributes to the lascars for their gallant services.

That prince of ship owners, Lord Inchcape, presiding at the meeting of the Strangers' Home of Asiatics in London on the 4th May, 1918, even paid high tributes to the splendid services and gallantry of lascars during the war. His Lordship said " the lascar's sobriety and his calm demeanour in emergency and philosophic endurance of catastrophe were beyond all praise ".

The Government and the employers appreciated the splendid services rendered by the lascars during the time of the war, and they the lascars shall be very glad if both the Government and the employers appreciate their grievance, namely, " unemployment " and do something for its immediate remedy.

After the war, these additional men employed for the purpose of the war, were thrown out of employment and hence unemployment became very great and it is gradually increasing day by day owing to regular registration of large number of raw recruits without insuring their services as well as for the high pressure of illegal gratifications of recruiting agents, namely, the brokers and ghat serangs.

Now let me place before the House the figures available for the purpose :—

From the shipping office it has been ascertained in January, 1923, that from January, 1887, up to the 29th January, 1923, 1,77,062 seamen have been registered. Further, it has been ascertained that from January, 1900, to 29th January, 1923, 1,43,406 seamen have been registered. The figure 1,77,062 has been increased to 1,86,059 in February, 1924, *i.e.*, 8,997 seamen are being registered as raw recruits within one year. It is not known accurately how many of these are dead or have ceased to go to sea. But if 86 thousands are taken to have been dead or have ceased to go to sea then one lakh of seamen are regularly waiting and depending on sea-services.

Now it has been ascertained that 21,490 seamen may be engaged at a time on board ships —

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): What is the figure?

Mr. M. DAUD: 21,490.

The Hon'ble Mr. J. DONALD: Where did you get this figure?

Mr. M. DAUD: These figures have been obtained from a reply given to a question by Mr. K. C. Ray-Chaudhuri in the last Council. There are jobs at a time for 21,490 seamen. But as their services are not permanent, but a contractual one, depending on agreements for short periods, at the end of each contract fresh men may be taken in. By this method it has been ascertained that in 1920-21 some 38,078 seamen were engaged; and in 1921-22 some 39,207 were engaged, *i.e.*, more than 60 thousand men remained unemployed in a year and at a time nearly 80 thousand men remained unemployed. This sort of engagement played an important part in their lives as seamen and they practically starve for their unemployment.

The General Conference of the International Labour Organisation of the League of Nations in its second sitting at Genoa in 1920 with a view to securing the application to seamen of Part III of the recommendation concerning unemployment adopted at Washington on 28th November, 1919, recommended that each Member of the International Labour Organisation should establish for seamen an effective system of insurance against unemployment arising out of shipwreck or any other cause, either by means of Government insurance or by means of Government subventions to industrial organisations whose rules provide for the payment of benefits to their unemployed members.

Labourers in mills (jute, textile and cotton), railways, mines, tea gardens, etc., are given quarters by the employers but so far as seamen are concerned there is no such arrangement by the ship owners. The result is that men of the coastal districts of Chittagong, Noakhali, etc., are to come to this port of Calcutta for sea services and they are to live in the lodging houses here, and lodging house-keepers give daily *khorakis* to their boarders and the dues are realised at the time the seamen secure their jobs. If unemployment be not solved, then the seamen's lodging house-keepers would be compelled to stop boarding seamen and the inevitable result would be that the ship owners would not get the advantage of getting cheap Indian seamen labour, without taking any trouble whatsoever for housing seamen at their expense. Therefore, for the interest of the ship owners themselves, it is the duty of my non-official European colleagues to give their best consideration to this matter, so that time may not come when the non-Indian ship owners might be put to any difficulty to secure the advantages of Indian cheap labour in preference to European labour.

In 1922 a committee was appointed by the Government of India to examine the methods of recruitment of seamen at the different ports of India in order that it might definitely be ascertained whether abuses existed in the system of seamen's recruitment through brokers and ghat serangs, and whether those abuses could be remedied. My humble self served as a member in that committee on behalf of the Indian Seamen's Union, Calcutta, and that committee in its report

published in May, 1922, suggested establishment of a Seamen's Recruiting Bureau and preparation of a General and Particular Line Registers for the purpose of recruitment in accordance with the priority of their claims in those rosters. And it has been said that the system has been much abused due to larger number of men waiting for services, for whom there were no jobs, and that unemployment would be less if the recommendations of the committee be strictly carried into effect.

The recommendations of the Committee have not yet been enforced by the Government and the Government have not yet given effect to the draft Conventions adopted by the Genoa Conference of 1920, regarding the establishment of unemployment insurance for seamen. The position, therefore, is that thousands of seamen are waiting for jobs in this port of Calcutta and every day they, in anticipation of getting a chance, are incurring debts at high rates of interest for their bare maintenance and also incurring debts to their boarding house-keepers and thereby ruining their careers as well as putting their families in utter starvation. The seamen labour upon which the prosperity of trade and commerce of the country depends to a certain extent is degrading day by day for their unemployment; so, for the interest of the State as well as of the country, it has become an absolute necessity to solve this problem as early as possible.

Sometime ago, the Government of Bengal appointed a committee to solve the unemployment problem of the middle class and the committee had submitted a report. The Government of Madras have recently appointed a committee to solve the unemployment problem of the educated middle class. The Indian Legislative Assembly, the other day, has adopted a resolution for a committee to solve the unemployment of all classes of men working in different spheres of lives. As the question of seamen's unemployment is agitating for sometime past, and Government are requested several times since 1923 by the Indian Seamen's Union to solve that question, it is now high time for the Government and the employers to solve this question; otherwise a time may come when seamen will take up agriculture in preference to sea-jobs, with the result that the growth of national shipping may be hampered and the non-Indian shipping companies may not get Indian fireman at Rs. 23 in preference to a European fireman at Rs. 142-8.

I, therefore, suggest unemployment would be minimised if the recommendations of the Seamen's Recruitment Committee be strictly enforced and the registration of raw recruits without insuring their services be stopped for sometime and engagements be made in priority of claims of all men waiting for jobs. I also advocate the immediate enforcement of the draft Conventions of the Genoa Conference for Seamen's Unemployment insurance by establishing Government

insurance or by means of Government subventions to industrial organisations whose rules provide for the payment of benefits to their unemployed members, or any other relief suitable for the purpose.

With these words I move the resolution that stands in my name and I hope that the House will show sympathy for thousands of unemployed seamen by accepting this resolution.

Dr. BIDHAN CHANDRA ROY: May I ask the hon'ble member if he can tell us why he has chosen these gentlemen to be members of this committee? What are their peculiar attainments and qualifications to be members of the committee?

Mr. PRESIDENT: That information will be given in his reply if he likes.

Mr. PRESIDENT: Before I ask you to move the motion I would like to know whether you have got the consent of the members named in your resolution?

Maulvi Md. NURUL HUQ CHAUDHURY: So far as Captain Darvell is concerned I asked him and he says that he is willing to serve on the committee if it is appointed.

As regards the other gentlemen I have their consent.

I beg to move, by way of amendment, that in the motion of Mr. M. Daud, lines 10 and 11, for the words " and (*e*) the mover " the following be substituted, namely:—

" (*e*) Captain Darvell, Shipping Master, Calcutta;

(*f*) Mr. M. A. Khan, Barrister-at-Law;

(*g*) one representative of the Indian Quarter-Master's Union to be nominated by them;

(*h*) Maulvi Abdur Raschid Khan;

(*i*) Maulvi Mr. Nurul Huq Chaudhury; and

(*j*) the mover.

Five to form a quorum."

In this connection it is necessary to say why I have added the names of these gentlemen by way of amendment. It is well-known that Captain Darvell was himself a seaman before he joined Government service. He is at present the Shipping Master in Calcutta and his advice is necessary in all matters relating to the seamen of Bengal. At the same time he was first brought to Bengal to assist Government as a Bureau Officer and he has now been appointed as a permanent Shipping Master. Next in suggesting Mr. M. A. Khan as a member

it will be necessary to inform the House that he is Vice-President of the Indian Seamen's Union and also a Vice-President of the Indian Quarter-Master's Union. While he was in England he took a great part in the Indian Seamen's Committee. Therefore it is all the more necessary that a man of such experience should be included in the committee. While he was in England he took an active part in the welfare of the Indian seamen community. Therefore it is of the utmost importance that a man of such a character and experience should be included in the inquiry. As regards a representative of the Indian Quarter-Master's Union, I am asking for this simply because they are the most organised body in Calcutta. My particular reason for doing so is that since the Report of the Shipping Committee came out they immediately started a Quarter-Master's Union which is separate from the general organisation and they successfully applied to the Shipping Master for the employment of their members in the ships and to a great extent they have already induced the Shipping Master to carry out a portion of the recommendations of the Indian Seamen's Report. As regards Maulvi Abdul Raschid Khan, he comes from the district of Noakhali and a good number of seamen come from that district and he himself is also intimately connected with this problem. Then, Sir, as regards myself, I have been for a very long time connected with the Indian shipping and that the ill-fated Bengal Steam Navigation Company which was started by the seamen of Chittagong, had two steamers but on account of the keen competition by European companies it had to die an unnatural death: and ultimately they had to sell both the steamers which were purchased by the British Indian Steam Navigation Co. Sir, Chittagong is the district from which I come and it is essentially necessary that, if this question be discussed, a member from Chittagong should have a say in the matter. The other day Lord Reading said that there should be an Indian Navy and suggested that seamen from Bombay side and from Bengal and especially from Chittagong should be recruited. In this matter Chittagong takes the place of pride so far as Indian seamen are concerned, and any Committee which sits in judgment over the question of unemployment should have a representative from among those men who are chiefly interested in the matter. At the same time I suggest that the Hon'ble Government Member should include if there be any inquiry the men who are being employed in flats and steamships that ply in the river because they are also to all intents and purposes seamen. I do not think I can add anything further on the subject because Mr. Daud has very ably and lucidly stated everything what he feels about the matter. It is high time that this problem were solved and that no legal quibble should be allowed to stand in its way, for instance it may be argued that this question being an Imperial one the Government of Bengal cannot do anything in the matter. I think when the resolution has been accepted the

legal difficulty has been got over by the Legislative Department. Having done that I do not think that Government can now come forward and say that we are not in a position to give effect to this resolution because it is an Imperial question. With these few words I support the main motion together with my amendment.

SHAH SYED EMDADUL HAQ spoke in Bengal. The English translation of which is as follows:—

"Sir, I support this resolution wholeheartedly.

I feel bound to support a resolution in relation to the lascars, firstly because they belong to Chittagong Division from which I come, and secondly because they are Moslems.

I have kept myself informed for a long time of their condition and its disadvantages which have been dealt with at large by the mover. As President of the recently formed Quartermasters' Union, I have had opportunities to study their condition.

They are compelled to wait for long periods of time before they are able to secure employment, during which their funds are exhausted and they are forced to accept loans on high interest from their patrons. They are also forced to spend a great part of their wages in propitiating the favourites of the authorities in order to secure employment and to keep it.

The Quartermasters' Union has not been successful in improving their lot owing to the opposition of various interested parties. I have drawn the attention of the Government to the measures taken by the Government of other countries to improve the condition of sailors, but they have remained indifferent.

In fact, very little has been done for the lascars. The peculiar condition of their service and their general poverty demand that a thorough inquiry should be made in regard to their complaints. For these reasons, I support this resolution for a Committee for this purpose.

Mr. W. L. TRAVERS: The hon'ble mover in moving his resolution appealed for the sympathy of my community. I should just like to say that he has that sympathy. No Britisher in this country can forget the fine services rendered during the war by the lascars. Hence in regard to the main object of the resolution of course, he has our sympathy, but the question of unemployment of seamen is one of supply and demand. At the present time the shipping trade is very slack and in consequence there is a certain amount of unemployment. All I have to say on this point is that any scheme which is put forward to solve this question of unemployment among seamen will, I am certain, receive the sympathetic attention of the Chamber of Commerce.

Dr. H. W. B. MORENO: I rise to support the resolution moved by Mr. Daud. I think there is a growing need for an inquiry as to the serious condition of unemployment among Indian seamen. That they did well and courageously in the war is evident. If anybody doubts that he might take a walk across the maidan and see the glorious memorial erected in memory of the heroic work done by the seamen. It is a great pity that seamen who served faithfully and well in the time of the greatest need should now be cast aside and forgotten. Their case is a serious one: they have given up their agricultural pursuits and they have come here throwing up their usual avocations and they live in this congested city amidst unsavoury surroundings and entirely at the mercy of those "brokers" who exact from them all sorts of illegal gratifications. Therefore, I think, that some sort of searching inquiry is necessary in order that these sinister bars which are now put in the way of these men securing employment may be removed. Some time ago when a committee was appointed to inquire as to the need for employing more and more Indian seamen, of which Mr. Daud was a member, I gave evidence before that committee and I pointed out that these brokers and middlemen came in and imposed iniquitous terms on these poor people. Somehow or other Government have invariably put off the matter year after year. Even now we have a resolution moved in this Council that something should be done and done in right earnest. I do not quite understand what the position is in regard to Anglo-Indian seamen. I do not know if the resolution would cover the Anglo-Indians as well, because I know in the past it was once the means of securing employment for Anglo-Indians who could not secure employment in other avenues. They generally shifted for themselves and got some sort of appointments on the seas. After all, Sir, the Sea and the Army afford an outlet for unemployment in Britain and so far as my community is concerned it did afford some outlet to those who had no aptitude for work in other directions. I should like to see a particular inquiry with regard to this big question, for in my community the growth of unemployment is becoming so serious and so very acute that it is practically overwhelming those who are studying the question of solving the difficult problem of Anglo-Indian unemployment. Not long ago His Excellency, addressing the Kalimpong Homes, expressed the view that the Anglo-Indians there should make very suitable sailors. I only trust that this question along with the larger question will receive some attention from the Government because of the fact that the Anglo-Indian unemployment is more acute perhaps than the unemployment found in other communities. I do not place, however, very much faith upon committees of inquiries: I know how these things are conducted and where they lead to. I know how these things are usually shelved by committees of inquiries. In the last Council there was a committee of inquiry for middle class unemployment in Calcutta, including Anglo-Indians and we have yet to learn from Government what action has

been taken with regard to the findings of that committee. What really happens with committees of this kind is that a great stir is made on all sides, evidences produced, and all sorts of things are said and then the committee take a good deal of time to come to a decision and once the report is out everybody goes to sleep, including the Government. I notice that because I am painfully conscious of unemployment still existing throughout the length and the breadth of the country although we had a searching inquiry with regard to this question. I hope, therefore, that so far as this inquiry committee is concerned, Government will take courage in both hands and see that something definite is done with regard to the whole question. Perhaps the Government will say—and I can almost foresee that—that it is not our business—it is a matter which concerns essentially the Government of India, thus fencing the whole question. I hope the Government will not take up this attitude. If the Bengal Government feels that it is not primarily responsible for this question of unemployment, surely it has in its hands power to make recommendations to the Government of India as to what action should be taken and furthermore it may initiate here in Bengal a committee of inquiry which will largely help the Government of India in whatever action they propose to take in this matter. Bombay perhaps is the only other province which affords employment to Indian seamen. I trust, therefore, that this resolution will not be frittered away in words, words, and words. I think that in this Council there can be no two opinions that there is an urgent and pressing need for affording some relief to the distressing unemployment now found amongst seamen.

Babu KHAGENDRA NATH GANGULY: This motion by Mr. Daud and the amendment by Maulvi Md. Nurul Huq Chaudhury are very important, inasmuch as it affects a very large section of seamen who are called by the name of lascars. Of course I must say at the outset that the unemployment problem is a large question and has been in the forefront of our political and economic troubles for the last few years. The question of the unemployment of seamen cannot strictly speaking be considered separately and apart from the larger problem which affects all classes of our countrymen. As, however, these seamen are a special section of our countrymen, who, over and above the troubles they suffer in common with the other communities, have got certain peculiar grievances of their own which should be remedied as early as practicable, I give my wholehearted support to the amendment of Maulvi Md. Nurul Huq Chaudhury which proposes the formation of a strong committee of gentlemen who have got some first-hand knowledge of the condition of things prevailing amongst seamen. No real lover of his country should ignore the future possibilities of the maritime prosperity of Bengal. But such maritime supremacy can only be ensured by ameliorating the condition of the poor seamen of Bengal. They are simple, hard-working and brave children of the soil and it

will not be difficult to redress their grievances, if only the members of the committee approach the problem in a spirit of sympathy and tactfulness. Almost the entire sea-borne trade is under the control of foreigners and if our men suffer from unemployment, a very large measure of the responsibility cannot but devolve on these foreign ship owners. But it will be a question for the members of the committee to tackle as to how far the difficulties of unemployment are attributable to internal causes and how far due to jealousy and competition on the part of foreigners. Of course if the Government were so disposed, the unemployment problem so far as the seamen are concerned could have been easily solved and there would have been no necessity for the inauguration of a committee to go into the matter. But as it is the indifference of the Government has necessitated the formation of a committee. The wealth of details advanced by Mr. Daud would convince any sceptic that we should no longer sleep over such an urgent problem and I whole-heartedly support the motion of Mr. Daud.

Mr. MAHBUBUL HUQ: I want to arrest the attention of the members present in order to focus it on this resolution which is of vital importance to the seamen. It is an open secret that the ship owners have been exploiting these poor seamen for years together. It was Father Hopkins, universally known as the "sailors' friend", who in the early sixties and seventies took up the cause of the poor seamen and provided accommodation for them in Kidderpore and Hastings. He was also instrumental in removing the "chop houses" from Flag Street now known as Lal Bazar Street which were a veritable den of all sorts of vices. He with his band of earnest workers saved many a poor seaman who hailed from the districts of Chittagong, Noakhali, etc., bordering on the fringe of the Bay of Bengal and were hopelessly under the tyrannous rule of the capitalists. The grievances of these seamen are many and it is undoubtedly our bounden duty to see that they are removed. When the great war came it was these poor seamen who rushed into the arena of fight and without heeding the hidden dangers of the submarine, many of them sacrificed their lives for the cause of the country as well as for their King. But what is the reward given to them? Nothing save and except a memorial on the bank of the Hooghly! Even when the reparation award came after the close of the war the families of these poor seamen were neglected. It was with feverish anxiety that the Indian seamen looked upon President Wilson who came up to Europe with his fourteen points and established the League of Nations. The General Conference of the International Labour Organisation of the League of Nations was held at Genoa in 1920 and framed a draft Convenion for establishing facilities for finding employment for seamen, but unfortunately the Indian Legislature did not ratify that Convention. The result is that the very abuses and grievances which existed in the matter of employment on the sea,

particularly in Calcutta and Bombay, continue. The vices which run rampant in Calcutta are manifold and the land sharks, I mean the brokers, are present as in the good old days and squeeze out the profit of the poor seamen; they advance money at the time of recruitment and when they come back they realise it with terrible vengeance. Unless they pay illegal gratification to the brokers they are thrown overboard and they would be in great despair as to whether they would get employment. For years and years their families are faced with starvation and their condition is very miserable. This sort of abuses was and is still prevalent in the city of Calcutta. It is no doubt a matter for serious consideration to see that many poor seamen who have been waiting for years together for employment are now given opportunities for it.

The Government of India held a preliminary inquiry into the conditions under which seamen are recruited in large numbers. The inquiry was conducted by Mr. A. G. Clow, I.C.S., Controller of the Labour Bureau in the Government of India, accompanied in each port by one representative of ship owners and one representative of seamen selected by local Government.

By resolution No. 1208 of 2nd March, 1922, the Government of India appointed a committee including two members of the Indian Legislature in addition to the five gentlemen who took part in the preliminary inquiry to examine, to collect and to report what reforms were possible in the existing methods of recruitment.

The findings of the committee were—

(1) the present system under which shipping companies engage seamen through licensed brokers appointed under section 18 of Act I of 1851 or private brokers (in Calcutta sometimes known as ghat serangs) has resulted in grave abuses;

(2) Shipping companies generally engage seamen through the brokers and pay them a commission calculated on the advances which the broker make to the seamen on behalf of the companies;

(3) the first step in the selection of the crew is the nomination of the serangs or butlers. The crew is selected later and the serangs and the butlers have naturally a considerable share in its selection; and

(4) when the crew is finally approved by the officer concerned, it is signed on the articles in the presence of the shipping master or his agent. At this stage the broker gives the seamen an advance of their pay.

Immediately before the ship sails an official medical examination is held and either as a result of this examination or some other causes

vacancies in a crew may arise at the last moment. The shipping companies depend upon the broker for the supply of men to fill these vacancies. Brokers and ghat serangs supply the crew on demand, their other functions are payment of advances to the seamen who are engaged and the replacement of deserters or of men rejected on medical grounds.

The committee found that this system led to grave abuses. It is imperative to introduce an entirely new system which does not involve the employment of intermediaries. The duties entrusted to brokers and ghat serangs can only be adequately effected by the organisation of an employment bureau.

Two alternative systems are suggested in the draft Convention, namely, (1) system of employment offices is organised and maintained by representative associations of ship owners and seamen in co-operation; and (2) the system is maintained by the State. These two are the only feasible alternatives but the first alternative is the better one in principle.

The necessary interference by the State with the condition of labour in any industry is undesirable. But there may be a system based on co-operation though there may be difficulties in securing it. With the growth of healthy organisation amongst seamen and of mutual trust and good will the ideal alternative may be brought into existence.

The employment bureau to be set up in each centre should have at its head a single officer—an officer having practical maritime experience.

We have now in Calcutta the Shipping Master who is also an officer in charge of the employment bureau. He is preparing registers of different lines but unless and until we get the advisory committees many of the grievances of the seamen would not be removed. The advisory committees of representatives of ship owners and seamen by working conjointly and harmoniously can do a lot in ameliorating the condition of the poor seamen. The figures quoted by Mr. Daud as regards unemployment of seamen are appalling. The poor seamen in large numbers daily go to the shipping office and daily come back disappointed and with sorrow stamped on their face. How long this state of things would continue it is difficult to say. But there must be an end to this sort of suffering and hardship. The poor seamen did all they could during the war, and what is their reward? I again repeat that they have got only a memorial on the Hooghly!

These poor seamen have not got any meeting place in Calcutta where they can meet together, the seamen coming from different parts of the world. But there is a silver lining in every cloud of despair. In England recently Sir Benjamin Robertson, Lord Birkenhead's principal adviser,

started a Lascar Institute for Asiatic Seamen in Cleveland Street, Birkenhead, and I hope the Bengal Government should take early steps for starting a similar institute in Calcutta in such locality where the seamen in large numbers live and resort.

The seamen in India are paid very low wages in comparison with those which the seamen of other countries enjoy. They suffer owing to the insatiable appetite of the employers. Viscount Inchcape at the 85th General Meeting of the shareholders of the P. & O. Company staggered at the recent "gigantic losses" of over a million pounds sterling inflicted by the seamen's strike who refused to remain calm while being exploited to an unmerciful degree, but the worthy Lord forgot to mention the accummulated enormous profits which the said company enjoyed for years together principally at the expense of poor lascars and seamen who are given very low and undesirable wages. The capitalists often at the expense of the workers turn out pampered lords and viscounts.

The air is now surcharged with the cry of an Indian Navy and which cry has now crossed across the seas to England. If you want such navy strong and efficient then it is the bounden duty of every sensible man to see that the Indian seamen with their families live a happy and healthy life as they would be the veritable backbone of such a navy.

With these few words I commend this resolution to the acceptance of the House without any dissentient voice.

The following amendment was called but not moved:—

SHAH SYED EMDADUL HAQ to move, by way of amendment, that in the motion of Mr. M. Daud for "and (*e*) the mover" the following be substituted, namely:—

"(*e*) Sir Abd-ur-Rahim, K.C.S.I., M.L.C.;

(*f*) Captain Dervell, Shipping Master, Calcutta;

(*g*) Mr. M. A. Khan, Bar-at-Law;

(*h*) One representative of the Indian Quarter Masters' Union to be nominated by them;

(*i*) Maulvi Abdur Raschid Khan, M.L.C.;

(*j*) Maulvi Md. Nurul Haq Chaudhury, M.L.C.;

(*k*) Mr. Mahbubul Huq, M.L.C.; and

(*l*) the mover; with five to form a quorum."

The Hon'ble Mr. J. DONALD: I must congratulate Mr. Daud on the dexterity with which he has got round the rules and under the guise of unemployment has brought forward a resolution regarding the recruitment of seamen. This question of recruitment is one for the central Government and we have no concern with it except as agents of that

Government. The question of unemployment is really one of supply and demand—if there are fewer ships than can suffice for the number of men who are registered as seamen, then there must be a number of men who cannot be employed. Mr. Daud has given us certain figures—he referred to about 1,80,000 seamen on the register,—I do not know how many of those are dead, and how many of them have given up the sea entirely and have taken to other pursuits where they are better employed. But when the shipping of the country can give employment only to something like about half a lakh of men, it is evident that all those on the register, even if they want to go to sea, cannot do so, because 50,000 posts cannot provide employment, at any rate anything like steady employment, for 1,80,000 men. If we are to see that these men are all to get employment, it means that they can be employed only fitfully. Is it better policy to give employment with some steadiness to a certain number of men or to give fitful employment to at least a lakh of men at odd seasons? Mr. Daud would apparently make no distinction as to the efficiency of the various seamen: he would give them all, capable or otherwise, some employment at one time or another. I do not know that it is a particularly desirable state of affairs to distribute employment to the seamen on the books rather than to secure the steady employment of a certain number, thus leaving the others to take to other pursuits where there is some possibility of employment. And what about the constant additions to the register. Men are now coming forward at the present day at the rate of over 500 a month to begin a seaman's life, and roughly 75 per cent. of these men get employment fairly soon. There must of course be new recruits. I do not imagine that any one will agree that a stop should be put to this fresh recruitment, *i.e.*, that no men are to come forward, seeing that there are so many unemployed. Is a bar to be put on this avenue to employment? The question, however, is really one of recruitment; and as I have said it is a matter which is not primarily our concern. Mr. Daud knows that the Legislative Assembly is the place where this question should properly be discussed. Now, as a matter of fact, we know all the facts. There is nothing new which a committee can tell us. There was a committee in 1922-23 and that committee submitted a report, making certain recommendations. These recommendations are now under consideration. What we are now doing is ascertaining the best way of practically applying these recommendations to the conditions of recruitment. A new shipping master, a seaman himself, has been put in and he has been working out a practical scheme during the past year. We are discussing with him the question of the practical application of the recommendations of the committee. He has made certain proposals. They are receiving our consideration and I am personally dealing with the matter. We do not want any more committees—we know the matter well and the practical application of the measures of recruitment is under consideration. We have not yet finished with it—we are

pushing on and we hope to come to some conclusions shortly. There is no good in having a new committee. The question has already been considered by a committee of which Mr. Daud was a member. There is therefore no point in having a committee at all, and I therefore oppose the resolution.

Mr. M. DAUD: So far as I understand from my friend the Hon'ble Mr. Donald, that he is not very keen on having this committee and he has only given me the assurance which my men are getting from him since 1922, *viz.*, that the recommendations of the Seamen's Recruitment Committee of 1922 are under the consideration of the Government. It is now 1926 and still it is not known whether the recommendations of that committee will ever be enforced by the Government. I do not think they will do so, unless and until we insist on them that it has become an absolute necessity to do so. This question of enforcing the committee's recommendations was very ably discussed in the year 1924 by Mr. Chamanlal and Mr. Joshi in the Legislative Assembly and the Hon'ble Sir Charles Innes replied that they could do nothing until and unless they were advised by the local Government as to what to do. To put it in a nutshell, I am driven from post to pillar; the local Government tell us that they cannot do anything, because it is an Imperial subject and the Imperial Government say that they cannot do anything until and unless they are advised by the local Government as to what to do. The International Labour Organisation is a product of the peace treaty with Germany. By the treaty of Versailles this International Labour Organisation of the League of Nations has come into existence for the benefit of the workers of the whole world. The representatives of all the States who are members of the League of Nations as well as the representatives of the employers of labour attend this International Labour Organisation. In the year 1920 when the unemployment insurance matter was debated in the International Labour Conference at Genoa the Government of India's delegate, Sir Louis Kershaw, and Captain Vines, Shipping Master, Calcutta, another delegate, and the employers' delegate were all present and they did not object to it. I have gone through the whole proceedings and did not find that they objected to the passing of this Convention. It is now too late for the Government to say that they are not willing to do anything for the seamen and so far as it concerns India the result will be, that if at any other time a great European war breaks out again, it will be very difficult for the Government of India to induce seamen to join merchant ships and to face torpedoes and submarines. For what they did for the empire during its peril, I think, the Hon'ble Mr. Donald will accept my harmless resolution which only asks for the appointment of a committee. I know that so far as legislative measures are concerned with regard to Government insurance or any subvention, they will have to be done not here but in the Legislative Assembly. The

other day, Sir Bhupendra Nath Mitra said in answering to the debate that was going on in connection with the unemployment concerning the middle class men, that this question was a provincial question and that the provincial Governments were the best authorities to enlighten the Government of India about the facts and figures and also to report whether there were any unemployment or not. Therefore I am drawing the attention of the Hon'ble Mr. Donald, the Member in charge of the Marine Department, to have this committee and get the report of this committee and then, if necessary, report the findings of this committee to the Government of India to take action. So, in view of these circumstances, I think, my friend, the Hon'ble Mr. Donald, will accept this resolution. The Government of Bengal will in fact be doing the work of forwarding the committees recommendations to the Central Government, if necessary.

The Hon'ble Mr. J. DONALD: I should just like to say that I have never said that we will do nothing for the seamen. My point is that we have already got all the necessary materials, and that we can ourselves go ahead without appointing another committee. Mr. Daud has also said that although the committee reported in 1922, it is now 1926 and the matter has not been settled. Well, if we have another committee, I do not know how many years more will elapse before the question is settled. We have got all the materials a committee could collect, and we will get on quicker with the materials available than with the appointment of a new committee. For this reason I have to oppose the resolution.

The amendment of Maulvi Md. Nurul Huq Chaudhury was then put and agreed to.

The motion of Mr. M. Daud was then put in the following amended form and agreed to:—

"This Council recommends to the Government that a committee consisting of—

(*a*) one representative of the ship-owners to be nominated by the Calcutta Liners' Conference or by the Bengal Chamber of Commerce;

(*b*) one representative of the seamen to be nominated by the Indian Seamen's Union;

(*c*) The Hon'ble Member in charge of the Marine Department, Government of Bengal;

(*d*) Mr. Mahbubul Huq, M.L.C.;

(*e*) Captain Darvell, Shipping Master, Calcutta;

(*f*) Mr. M. A. Khan, Barrister-at-Law;

(*g*) one representative of the Indian Quarter-Master's Union to be nominated by them;

(*h*) Maulvi Abdur Raschid Khan;

(*i*) Maulvi Md. Nurul Huq Chaudhury, and

(*j*) the mover;

'five to form a quarum' be formed to inquire into the causes of unemployment amongst seamen in Bengal and to advise what remedial measures should be adopted."

Extension of public holidays.

Mr. TARIT BHUSAN ROY: Sir, I beg to move that this Council recommends to the Government that immediate steps be taken for the extension of public holiday under the Negotiable Instruments Act, 1881 (XXVI of 1881), on the occasions of Jagadhatri Puja and Sri Panchami by one day in each case, as obtained prior to the year 1914, and also for the grant of one holiday on the 11th *Magh* of every year for the *Maghotshab* of the Brahmo community.

You all know that public holidays came to be declared every year by notifications made by the local Government in the official Gazette under section 25 of the Negotiable Instruments Act of 1881. It will be seen that under the explanation to the section no Indian holiday could be a public holiday unless the local Government declared it to be such in the official Gazette. It is a well-known fact that the Jagadhatri and Saraswati Pujas are two of the most important and sacred Hindu festivals in Bengal. They have been observed by every Hindu from time immemorial. Two consecutive days for Jagadhatri and Saraswati Pujas have been declared as public holidays by the local Government ever since the enactment of the Negotiable Instruments Act in 1881. Public holidays, as you all know, are Bank holidays. Things went on smoothly for about 33 years. The public holidays for these two important Hindu festivals came to be reduced from two to one day in either case since 1914.

The Durga Puja is the most important Hindu festival. Formerly the Durga Puja holidays were 12 in number and they were recognised as public holidays under section 25 of the Negotiable Instruments Act. The bank holidays were however reduced to 4 days only in 1889-1890 in Bengal. This is how the matter stands. It must be admitted to the credit of the Government that they have systematically recognised and do up to date recognise as Government holidays 12 days for the Durga Puja and 2 days each for the Jagadhatri and Saraswati Pujas. I want to make it clear that I am not pressing for the restoration of the Durga

Puja holidays to 12 days. It is a pity that although the longest vacation on account of public holidays amount to 8 consecutive days in the Central Provinces, 5 days in the Punjab, 7 days in Bombay, 6 days in Madras, 9 days in the North Western Frontier Provinces and 10 days in Burma, in Bengal the public holidays have been reduced from 12 to 4 days on the occasion of the Durga Pujas and from 2 to 1 day on the occasion of the Jagadhatri and Saraswati Pujas to the misfortune of the hardworking and toiling employees of the banks in Bengal. It is also significant that while the necessity for relieving and giving rest to all public officers by granting leave is recognised and recognised very justly by Government to this day on account of the above three Hindu religious festivals, the Bank holidays have been ruthlessly cut down. It is needless for me to point out that the religious sensibilities of the Hindu were hurt once in 1890 and again in 1914.

I also press for recognising the 11th of *Magh*, which is the sacred day of the Brahmo community—which is by no means a negligible but a very important sect—as a public or at any rate as a Government holiday.

I have placed all the facts before the House. I would press for the restoration of the bank holidays in the case of Jagadhatri and Saraswati Pujas to two consecutive days as heretofore out of respect to the religious susceptibilities of the Hindus in Bengal. The religious feelings of the Brahmo community should also be satisfied by declaring the 11th of *Magh*, *i.e.*, only one day every year, as a holiday. The days following the above two Hindu festivals are equally sacred and ought to be declared as holidays as heretofore.

Maulvi SAYEDUL HOQUE: I move, by way of amendment to the motion of Mr. Tarit Bhusan Roy, that the following words be added at the end, namely:—

"and also for the grant of two more holidays for the Muhammadans to be added to each of the existing numbers of holidays on each of the occasions of the Id-ul-Fitr and Id-uz-Zuha festivals."

In moving this amendment I wish to say a few words as a matter of explanation. First of all I would like to ask my friend not to take it for granted that Muhammadans are not really in need of any more holidays on the occasion of Id-ul-Fitr and Id-uz-Zuha but this amendment has been moved because there is motion for holidays for Jagadhatri Puja, Sri Panchami and Maghotshab. It is very far from truth. As festivals the occasions of Id-ul-Fitr and Id-uz-Zuha are by far the most important throughout the whole year. There are other festivals no doubt but these two occasions have a speciality of their own. Their very affix "Id" speaks volumes. On these two occasions properly speaking, solemnities of religion are combined with communion of rejoicings. These two occasions are occasions of embracing near ones

and dear ones, occasions of dining together and rejoicing together. It will not be out of place to mention that Muhammadans are forbidden to go to fares, theatres, and such other places of amusement and as a compensation for this, these two occasions are fixed for rejoicings. So much so that on the days of Id-ul-Fitr and Id-uz-Zuha Muhammadans are prohibited to observe fast. It is then sufficiently clear that any attempt to rob these occasions of their rejoicing is sacrilegious. Now the question is whether the existing two days' absence from the office is sufficient for the purpose. I submit, it is not, because the occasion demands "Arbaâ" that is four days. We are concerned here with the persons under employment. I think it is very hard for them to pass these festive occasions abroad lamenting their lot. This is not all. Absence from near ones and dear ones is very heartrending but absence from home in 99 out of hundred cases, cause unspeakable difficulties in organising or solemnising these occasions. On these occasions, purchases are to be made, alms are to be bestowed, sacrifices are to be offered. It is not at all difficult to find out that absence puts serious obstacles in the way of performance of these observance, therefore, my proposal is that the number of holidays ought to be raised up to four on each of the occasions.

I was considering for a long time to move such a resolution in this House but I was not blind to the fact that a new resolution has very little chance for coming up in the beginning of the agenda. That is why I caught the tail of the resolution number 8 to cross the threshold of this House at the earliest possible moment. With these words I submit my motion to the acceptance of this House.

Maulvi ZANNOOR AHMED: I move, by way of amendment, that in the motion of Mr. Tarit Bhusan Roy the following words be added at the end, namely:—

"and for the grant of one holiday on the 15th *Shaban* of every year for *Shab-i-barat* of the Muhammadan community."

Shab-i-barat is an important festival of the Muhammadan community. It is necessary that steps to be taken for the grant of a holiday for that. Previously Shab-i-barat was a civil court holiday but owing to the recommendation of the Retrenchment Committee, the holiday has been abolished. Difficulties of the Muhammadan litigants and witnesses are very great on account of the curtailment of the holiday. Shab-i-barat is a civil court holiday both in Assam and Behar provinces and it has been decided by the Government in consultation with the Hon'ble High Court that the civil court holidays should be the same as the present Government executive holidays. So it is necessary that Shab-i-barat should be declared holidays under Negotiable Instruments Act of 1881. With these words I beg to move my amendment which stands in my name. The number of the Muhammadan holidays is very small.

Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: Sir, the mover of this resolution desires to have three more days declared as public holidays, for Jagadhatri and Sri Panchami pujas and one for the Maghotshab. So far as that goes neither I nor the members of my community can have any objection. But when he says "as obtained prior to the year 1914" it requires some explanation.

Now, Sir, holidays in Bengal or for a matter of that in India are of two kinds. Those that are declared as such under the provision of section 25 of the Indian Negotiable Instruments Act of 1881 and those which in addition to the above are gazetted as merely Government holidays. During the former not only Government offices but banks, mercantile firms, mills, factories, docks and in short all places of public business are closed. Whilst during the latter Government offices alone are closed. It is the practice with all local Governments to declare certain days as holidays in the local Gazettes under both the above heads in the month of November or December for the ensuing year. On an examination of these Gazettes it will be found that in the year 1913 in addition to 2 general Holidays, *viz.*, the King-Emperor's Birthday and the Proclamation day, there were declared under the provision of the Negotiable Instruments Act, in the Punjab 8 Hindu, 8 Christian and 6 Mussalman holidays, in the United Provinces 12 Hindu, 8 Christian and 7 Mussalman holidays; in the North-West Frontier Province 9 Hindu, 8 Christian and 7 Mussalman holidays; in the Central Provinces 10 Hindu, 8 Christian and 7 Mussalman holidays; in Coorg 13 Hindu, 8 Christian and 3 Mussalman holidays; in Bombay 9 Hindu and Jain, 8 Christian, 4 Parsi and 3 Mussalman holidays; in Madras 13 Hindu, 9 Christian and 1 Mussalman holidays; in Bengal 16 Hindu, 8 Christian but not a single Mussalman holiday. Thus it will be seen that in 1913 the Muhammadans in Bengal who in population exceeds the other communities, had no recognition even for a single day of their religious festivals.

In order to remove this anomaly I had the privilege of moving a resolution in the Imperial Council in 1913 with the result that the Government of Bengal were asked to remove this anomaly. The Bengal Government, however, encountered obstacle from the Chamber of Commerce and the non-official European mercantile community. Both these bodies, however, were sympathetic so far as concerned the inclusion of Moslem festivals as public holidays: provided that that did not involve an excessive addition to the number of public holidays already granted. Sir Cecil Graham, a late Chairman of the Bengal Chamber of Commerce, and Mr. A. Topping of Messrs Mcneil and Company went so far as to say that the total number of holidays should be divided by three and each sect, Christian, Hindu and Muhammadan, should be allotted an equal number. Personally, I had no desire to disturb any holidays granted to any sister community and I left the matter to the Government and to the sense of fairness

of the other communities. The result was that one extra day was added to the total and two days were taken out of the 16 granted to the Hindu community and only 3 days, namely, the Id-ul-fitr, Id-uz-Zuha and Mohurram were declared as public holidays under the Negotiable Instruments Act as a small concession to Moslem claims.

Now, Sir, I have no objection to any community getting any more holidays so long as just and fair recognition is given to the claims of my community. It is for these reasons that, while not opposing the main resolution, I beg to support both the amendments.

SHAH SYED EMDADUL HAQ spoke in Bengali in support of the motion and the amendments. The English translation of which is as follows:—

"Sir, Though I made some efforts in connection with holidays on the occasions of the two *Id* and Shab-i-barat festivations in the first reformed Council, I could not achieve anything. In this instance both Hindu and Moslem communities are concerned and the resolution will be carried in spite of Government opposition.

Though the Moslems are in majority in Bengal, the number of holidays given specifically on the occasions of their religious festivals fall far below what other communities get. This certainly bears evidence to their political backwardness.

Id and Shab-i-barat holidays are equally important to the Moslems and they are liable to be put to much inconvenience and to suffer even financial losses unless public holidays are allowed on the occasion of those festivals.

We are not jealous of the advantages which the politically advanced community have secured for themselves in this respect, we merely demand the same advantages for ourselves. We might almost say, judging all things, that the refusal to allow public holidays on these occasions amounts to interference with the religious practice of the Moslems. Under these circumstances, I give my entire support to the proposed amendments."

Babu AMULYA DHONE ADDY: Sir, I have much pleasure in supporting the resolution as well as the two amendments which have been moved to this resolution. The question is not as to what should be the number of holidays for the Muhammadans, Christians, or Hindus, but the question is which are the holy days and whether the holy days must be observed as holidays. The religious ceremonies of the people, be they Hindus, Muhammadans, or Christians, must be respected by the Government. With these words I support the resolution as well as the amendments.

Mr. M. DAUD: Sir, I rise to support the resolution as well as the two amendments that have been moved by my friends Maulvi Sayedul Hoque and Maulvi Zannoor Ahmed. So far as the resolution is concerned the holidays that have been asked for by my friend, Mr. Roy, is essentially necessary for the commercial employees who are engaged in offices and this is a long-standing grievance of these employees. The Employees' Association of Calcutta has been ventilating this grievance for a long time and it has become a necessity to solve this problem. So far as the other holiday, that is the Maghotshab, is concerned, it is a very legitimate prayer of the Brahmo community to ask for this holiday. This holiday they are asking for their religion and I hope that the benign Government under whom we are now living will respect the feelings of the Brahmo community. So far as the holidays for Id-ul-Fitr and Id-uz-Zuha are concerned, I place before Government the fact that it is really a grievance of my community as well as of myself. That grievance I hope the Government will remove and this is also a religious grievance of the Muhammadans. So far as Maulvi Zannoor Ahmed's amendment for giving holiday on the Shab-i-barat day is concerned, that is also a necessity for my community. Under these circumstances I hope the Government will respect the religious feelings of the Hindu community and the Brahmo community as well as of the Muhammadan community. With these words I support the resolution and the amendments.

Maulvi KADER BAKSH: Sir, I rise to support the amendments. So far as these amendments are concerned, everybody knows that these are the most important religious festivals of the Muhammadans. It is a pity that not a single day's holiday has been provided for the Shab-i-barat festival. Now, Sir, Shab-i-barat, as everybody knows, is the Night of Fate and the Muhammadans feel that everybody's fate is decided on that night. So on such an important occasion I think a day's holiday is not too much. Provision should be made for such an important festivity and for the festivity of Id-uz-Zuha also. The present number of holidays that exists is not sufficient. Everybody knows full well that the number of holidays on account of Muhammadan festivals is too low. The Muhammadans do not enjoy any holidays during the Ramzan time when they fast for thirty days. I, therefore, support the amendments of Maulvi Sayedul Hoque and Maulvi Zannoor Ahmed.

Mr. ABDUL LATIF BISWAS: Sir, the resolution moved by Mr. Tarit Bhusan Roy is a just one. He has proposed that a holiday should be given on the 11th of *Magh* on account of the Brahmo festival Maghotshab. The Brahmos are a powerful and influential section of the Hindu community, and I think it is a legitimate and reasonable

demand on their part to have a holiday on that date. As for the amendment of Maulvi Sayedul Hoque, I submit that Id-uz-Zuha and Id-ul-Fitr are two important Muhammadan festivals just as Durga Puja among the Hindu festivals. On these days every Muhammadan feels it necessary to meet their near and dear relatives. If one does not find an opportunity to meet his relatives on these occasions, he considers himself an unfortunate and wretched person. So it will be just and proper on the part of Government to meet this legitimate demand. As for the amendment of Maulvi Zannoor Ahmed, I may say that if this amendment be accepted, the Muhammadan litigants and lawyers will be saved from a very curious position. I understand there is an order from Government that Muhammadan officials are exempted from attending offices on the Shab-i-barat day, but Muhammadan lawyers are to attend offices on that day. The order which has been issued by the Government seems to me a curious one as it does not recognise Muhammadans other than Muhammadan officials to be Muhammadans. I know personally a case in which I was put to great difficulty. On the last Shab-i-barat day a Muhammadan client of mine did not come to Court thinking that as the presiding officer was a Muhammadan, it would not be necessary for him to attend court on that day. Under this impression no steps were taken in his case. The next day a *tadbir* was made, but my unfortunate client found that his case had been dismissed for default and it was written on the order sheet that no *tadbir* was made. Therefore, I submit that the resolution as well as the amendments are legitimate ones and I support them for the acceptance of the House.

Mr. W. L. TRAVERS: It is contrary to the whole policy of the non-official European community to interfere in regard to any matter which relates to the religion of other communities, but in relation to this motion before the Council I feel that I must describe the point of view of British business men of this city and that point of view is that there are quite enough holidays as it is and we do not desire that there should be any sort of re-arrangement or that there should be any increase in the number of holidays. We have listened this morning to appeals from hon'ble members on the subject of unemployment. Now, I would just point out that the remedy for unemployment is not more holidays, but the remedy for unemployment is more trade, more industry, more production, which will be followed by increased employment. I have nothing further to say.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): I fail to undrestand why this question of increasing the existing number of holidays has been brought forward again. We at the moment notify 25 public holidays under the Act and by executive order we allow several more days for every community, Hindus and Muhammadans alike.

Mr. Travers has referred to the fact that the existing number of holidays is sufficiently large and in the interest of trade, as he has pointed out as well as that in the interest of the unemployed any increase in that number is to be deprecated. After what he has said I do not propose to enlarge on this point.

Mr. Tarit Bhusan Roy would like to go back to the position as it was in 1914. The position as before 1914 was that in the greater part of this Presidency there was only one holiday for the Jagadhatri Puja. From 1905, in Eastern Bengal and Assam there was only one day for the Jagadhatri Puja. The change in Bengal itself—one day for each of the festivals mentioned—was the result of Mr. Ghuznavi's resolution in the Imperial Council that there should be a sufficient number of Muhammadan holidays as no holidays under the Act then existed for the benefit of the Muhammadans. We made very extensive inquiries and in coming to the conclusion that one day for the Jagadhatri Puja and one day for Sri Panchami were quite sufficient. We were advised on good authority that this would not be to the detriment of religion and in fact when Government give an executive holiday for all their offices, I think, it is clear that for the vast majority of the Hindu population of Bengal there is no difficulty whatsoever. All have a whole day and the vast majority of them have another day so that the curtailment of one day in Bengal is not detrimental to their religion. Since then for the last 12 years we have had one day's holiday only under the Act and there has been no objection; no question has been raised at all during these years.

As for giving extra holidays to the Muhammadans we did increase in 1914 the total number of holidays by one in order that the Muhammadans should have the holidays which they now enjoy. There was a desire some years ago for an increase in the number of holidays and a small committee was appointed to go into the question whether this was possible by the curtailment of some other holidays; that committee came to the conclusion that this was not possible.

As to the holiday for the Maghotsab for the Brahmo community I should just like to point out that this is a very small community consisting of about 3,000 or 4,000 people. Is it seriously held that the whole trade of Bengal should stand still for the benefit of this microscopic number? If the members of this community can find opportunity for worship without having a holiday I see no reason for giving a holiday.

All the amendments taken together would add to the existing holidays eight days during which all business would be at a stand-still. This is not at all justified. As it is the holidays are already large in number and it is not to the interest of trade or to the communities

in general that the number of holidays should be increased. The vast majority of Bengal in no way suffers from the present system. I am, therefore, unable to accept this motion, or the amendments.

Mr. TARIT BHUSAN ROY: I am glad that my colleagues in this Council chamber representing the Muhammadan community have supported my resolution and the two amendments. We all know as a matter of fact that we are respecting the religious feelings of the Muhammadan community even in this Council chamber and I see no reason why our demand in this respect as embodied in the resolution and the amendments should not be agreed to and accepted by the Hon'ble Mr. Donald. In fact, so far as the Brahmo community is concerned, I have not pressed that the 11th Magh should be regarded as a Bank holiday but that it should be regarded as a Government holiday only. It will appear from the resolution itself that I have made a distinction in the case of the Brahmo community so far as the grant of one holiday on the 11th Magh every year for the Maghotshab of the Brahmo community is concerned and having regard to this fact I do not think the Hon'ble Member for Government should oppose this part of my resolution.

I am sorry that my friend, Mr. Travers has chosen to oppose my resolution. I am not in favour of the proposition that the holidays of one community should be extended by curtailing the holidays of another community. Religious feelings of all communities should be respected. With these words I press my resolution with the amendments.

Mr. PRESIDENT: The question before the House is that this Council recommends to the Government that immediate steps be taken for the extension of public holidays under the Negotiable Instruments Act, 1881 (XXVI of 1881), on the occasions of Jagadhatri Puja and Sri Panchami by one day in each case, as obtained prior to the year 1914, and also for the grant of one holiday on the 11th *Magh* of every year for the *Maghotshab* of the Brahmo community.

To this Maulvi Sayedul Hoque has moved the following amendment, *viz*:—

That the following words be added at the end, namely:

"and also for the grant of two more holidays for the Muhammadans to be added to each of the existing numbers of holidays on each of the occasions of the Id-ul-Fitr and Id-uz-Zuha festivals."

The question I have to put is that the amendment be made.

The motion was then put and agreed to.

Mr. PRESIDENT: To the original resolution an amendment has been moved by Maulvi Zannoor Ahmed, *viz*:—

The following words be added at the end, namely:—

"and for the grant of one holiday on the 15th *Shaban* of every year for *Shab-i-barat* of the Muhammadan community."

The question I have to put is that the amendment be made.

The motion was put and agreed to.

The following resolution, as amended, was then put and agreed to:—

"This Council recommends to the Government that immediate steps be taken for the extension of public holidays under the Negotiable Instruments Act, 1881, (XXVI of 1881), on the occasion of Jagadhatri Puja and Sri Panchami by one day in each case, as obtained prior to the year 1914, and also for the grant of one holiday on the 11th *Magh* of every year for the *Maghotshab* of the Brahmo community and also for the grant of two more holidays for the Muhammadans to be added to each of the existing numbers of holidays on each of the occasions of the Id-ul-Fitr and Id-uz-Zuha festivals and for the grant of one holiday on the 15th *Shaban* of every year for *Shab-i-barat* of the Muhammadan community."

Beggar nuisance.

Mr. J. CAMPBELL FORRESTER: I beg to move that this Council recommends to the Government that a committee be appointed to inquire into and report upon the desirability of taking legislative action to abate or end the beggar nuisance in Bengal and particularly in Calcutta.

This resolution, I am perfectly aware, is bristling with difficulties; and that is the greater reason why this House should tackle this problem in a spirit of earnestness and determination. In the year 1918 considerable correspondence passed between the Commissioner of Police, the Bengal Chambers and the Political Department of the Bengal Government. A debate took place in the Bengal Legislative Council on July, 1918. The resolution was withdrawn on that occasion and I find the Hon'ble P. C. Mitter said "My Lord, after what has fallen from the Hon'ble Sir Henry Wheeler: I think our purpose will be served by getting more information: and later on perhaps the Government itself may bring forward what is necessary; under these circumstances I do not press my amendment". The Hon'ble Mr. Crum agreed and by leave of the House both resolution and amendment were withdrawn. Well! Sir, that was in 1918 and since then nothing has been done. The question has grown considerably in importance since then and it has now

become im[illegible]e to take action. In dealing with this subject let us try to define who are the persons we call beggars :—

(1) We have the religious mendicants.

(2) Persons damaged by birth by injury or dise[illegible]

(3) We have the casual beggars who have become debilitated by disease such as consumption, asthma, malaria, etc., and the type who neither work nor want.

The religious mendicant who form about 15 to 20 per cent. of the beggar population are usually itinerants on their way to some pilgrimage centre or looking about for some good pitch to settle down and live a life of peace. It would be a difficult matter to try to interfere with the religious mendicants. It would be an act of encroachment on religion if such mendicants were brought under legislative control but it would help matters if religious denominations took action and granted certificates, from the head of their denominations that is providing beggary is recognised and sanctioned by the canons of the respective religious mendicants. I make this suggestion but I fear so long as their religious patrons support them they will always be with us. The religious sentiment that associates poverty with piety seems to be so deeply ingrained that I fear it will never be got rid of. Even Christians have got the idea from Christ's teaching "That it is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of Heaven" therefore the religious mendicant must be left to be dealt with by the various r[illegible]minations.

The next group consists of those individuals, the halt, the maimed, the lame and the blind, they are persons who at birth by the injury or disease have been unable to follow their own or father's occupation. The halt, we may consider first in this group. These are weaklings, who have become debilitated by disease like consumption, asthma, kala-azar, etc. They are the saddest cases and require the most help in their infirmity. The majority of them are women, usually wage-earning women, who are no longer able to earn their living, or have lost the protection of the man whom she was living with whilst working in the various factories. These women and children are usually of the cooly class who have emigrated to Calcutta to work in the different trades.

They form about 15 per cent. of the beggar class, and must suffer intense pain and agony dragging themselves along the street to get something to eat often perhaps with children dependant on them. Occasionally you may see them in the street of North Calcutta too exhausted to go on any further. Their sufferings would be infinitely worse if it was not for the numerous generously disposed Indian gentlemen, who daily feed these wretched individuals at the door of their

houses. Their gate-ways are the places to see these half famished women and children, for you will rarely see the genuine cases begging along the street.

The next class are the maimed, about 5 per cent. of these cases have been born with some defect, with some malformation that has taken place inside their mothers' womb, in others their growth has been arrested, *e.g.*, dwarfs, whilst others are giants in height, other again have fibrous tumours scattered all over their body and nerves. As regards bodily health, these persons are quite well and do not spread disease, but they excite pity especially from women who give them alms freely to get rid of them and also the idea of horror that all birth malformations have for the hoping mother of a child. Some of these individuals earn Rs. 40 to Rs. 120 a month and they frequent the temple precincts where women come to pray for help. A very few of these bodily injuries are persons who have lost an arm or leg as the result of some accident. The majority of the maimed are advanced cases of leprosy, they form about 30 per cent. of the beggar population of Calcutta. It is estimated that there are over 1,000 of these individuals living in this city. There are a much large number of them who do not come on the street to beg for money but live in their own homes. Many of these lepers are run by sirdars who import them into Calcutta to make money out of their infirmities. These lepers although loathesome and horrible to look at, are really of little danger in the spread of the disease. In mentioning about sirdar lepers one shudders at the idea and cannot help thinking India is a peculiar country in this respect; for example, the Government found that in offering rewards for killing snakes, when the reward was large, regular professions started for breeding them, whilst if the reward was small nobody would kill these reptiles.

The subject of leper beggars was dealt with by me before the Council on 20th February, 1922. After a full discussion the following resolution was passed by the House:—

"That this Council recommends to the Government that a sum of Rs. 50,000 be provided in the ensuing budget so that an immediate start may be made with the construction of the Bengal Leper Settlement, the land having been procured for the Government by private gift."

The Government later on wrote informing me that for want of funds they could not contribute this amount. Well! Sir, the financial position is now better in Bengal. Therefore I trust they will contribute this amount to the lepers now, so that this Beggar Problem may make a step forward.

The next category are the lame excluding the cases of leprosy mentioned above, about 15 per cent. of the beggars of Calcutta and nearly 50 per cent. in North Calcutta have suffered from a disease

called lathyrism, which causes paralysis of the lower limbs and is due to eating Kesari dal which is meant for animals. These persons have all immigrated into Calcutta from Behar and the Central Provinces. The upper part of the body is quite healthy but were unable owing to paralysis to follow their original occupation of *harwars* or ploughmen. Such persons could be employed on stone breaking or taught an occupation like basket-making, etc. A few of the lame are due to paralysis caused by the ravages of syphilis or other disease that affect the central nervous system.

Lastly, we have the blind. The deaf and dumb do not excite that pity from the public. The blind form about 10 per cent. of the beggar population and the blindness is due to causes at birth, from small-pox, and later in life from cataract of lens.

The problem resolves itself into dealing with three classes of beggars. The halt who are victims of disease, the leper, and the paralysed cases due to lathyrism. These three groups constitute about 60-70 per cent. of the beggar population. The religious mendicant will always remain with us. They are healthy, but sometimes are a minor factor in the spread of cholera from pilgrimage centres. The question of dealing with the blind, etc., an excellent start in this direction has been made by Dr. Chuni Lall Bose, C.I.E., I.S.O., in establishing a home for them and teaching them some occupation. The prevention of blindness, will be attained by the Childs Welfare League, in supplying information about the care of the eyes at birth, the prevention of small-pox by vaccination, and the necessity of going to the special hospitals as soon as their eyes are diseased, and not waiting until they are blind.

Having now discussed the classes that constitute the beggar population, our next duty is to find out the persons to support these beggar population, for they are very generously supported by the public, otherwise the leper and lathyrism cases would not migrate to Calcutta if they could not get more than a subsidence wage or its food equivalent. The people who give the largest support to this population, are the wealthy Indians, some give daily, others at certain festivals or ceremonies, *e.g.*, *Shradh*, amongst them may be mentioned the Seal or Mullick family, when one visits this palace in Northern Calcutta one sees a host of beggars outside the gates being given alms. If it was not for the generosity of these rich Indian gentlemen there would be very much more visible distress amongst the category I have classified as the halt. The food or money they get keeps them from starvation, and sometimes even enables them to throw off disease and again obtain work. The next generous donors are the worshippers at the various temples when performing their various religious ceremonies. The small Marwari community of this city who daily give large sums of money to alleviate the suffering alike of the indigent man or beast.

The small shop-keeper unostentatiously gives daily and many times a day, a pice or a handful of rice, it is a veritable widow's mite but it keeps many of the worst cases alive. The clerk and the labourer are also solicited on their way to and from work especially about pay day. The Europeans only see a fraction of this distress, and for them are reserved the advanced leper, the congenital deformities and the blind, cases that excite the greatest pity and consequently the greater charitable response. The malformations of the body as the result or birth or disease cause the greatest repulsion in the minds of any women and consequently these persons are able to live in comparatively affluent circumstances, by exhibiting themselves. You will, therefore, see that beggars are congregated at places in Calcutta, where alms are distributed most freely, *viz.*, outside the houses of the wealthy Indian gentlemen in North Calcutta, the various bazaars and Harrison Road, the great Marwari quarter. Along the routes to the temples and burning ghats.

We now come to the practical problem of prevention. As long as the city is rich and the public are generously disposed towards these people, especially if the charity is unevenly distributed, the more will and a greater number of beggars come from outside districts, especially the bad cases of leprosy as they are imported or schooled by sirdars, many of the blind and congenital defects, and all the cases of lathyrism. The problem could be solved immediately if one could persuade those who give alms to the poor (these rich charitably disposed Indian gentry to pool their offerings) and give the same portion to a central organisation which would be able to deal with their money to a better advantage.

Thus the halt would go to serais or alms houses, where the food or clothing could be distributed to the indigent persons by the help of these Indian gentlemen who now distribute money or food at their doors. The people who were really ill and not starving could then be persuaded to go into hospitals for treatment instead of dying in the streets or being brought in a morbid condition to hospital. The lame largely consist of men suffering from lathyrism, they could be given work at stone-breaking or taught some occupation like basket-weaving, mat-making, etc., which does not involve walking about.

I have been in touch with Colonel Stanley Ewans of the Salvation Army; he has wonderful experience on this matter and has given me details of how the scheme works at Bombay and Colombo: briefly, the position is: About eighteen months ago a scheme was laid before the Corporation it suggested working on the lines that have been so successfully carried out by the Salvation Army in Colombo and Bombay. *Maintenance expenses* average cost per head would be about Rs. 14. This would include the supervision, feeding and clothing of

vagrants, light and fuel but would not include rent and upkeep of buildings: this is based on a calculation of not less than 100 inmates at a time.

In Colombo the cost of Vagrants' Home is borne in equal parts by the Colombo Government and the Colombo Municipality. I would specially call the attention of the Hon'ble Maharaja of Nadia to the fact, for I fear in his reply he will inform the House that this is a matter for the Municipality. Let me earnestly implore him not to try and shelve the question in this manner, it is urgent. It is a blot and a stain upon the Government to have left this problem so long unsolved. The Government has only to will it to accomplish it. It is with you the power lies and I would ask you not to shirk your responsibility. Colonel Stanley Ewans has inspected premises at Manicktollah Road which the Corporation have in their possession and which could be altered at a little cost for the purpose of a beggars' camp and with little expenditure it could be made a suitable place.

I have been in consultation with Major Acton and the Commissioner of Police who take considerable interest in this question: Major Acton from a medical point of view, and the Commissioner of Police from a desire to rid the city of these troublesome creatures; and between them they agree that the following figures are approximately correct: (These figures are hypothetical.) I have placed the following hypothetical figures before them and they think this is about the proportion:—

Per cent.

15 Women who have lost the protection of their men and have become debilitated through disease such as consumption, asthma, malaria, etc.

5 Maimed at birth.

30 Leprosy.

15 Lathyrism.

10 Blind.

20 Religious.

5 Out of work.

To loathe and punish the victims of society and never lift a hand to eradicate the evils that have been their ruin is unreasonable. If we want to get rid of evil we must remove the cause of evil we must help these poor victims. Science shows us the cause of vice, crime and suffering and science teaches us we must attack the cause. The glory of manhood and womanhood is not to have something, but to be something, is not to get something, but to give something.

The greatness of a nation does not lie in its wealth and power but in the character of its men and women—with greatness in its people all the rest will follow. We are still carrying on the long wavering war between darkness and the light—the never-ending struggle of deformity, disease, crime, mental defficiency, beggary; and the painful never-ceasing effort of man to understand. It is no use looking for help to Heaven—we must look upon earth. It is no use asking God to help us—we must help ourselves. Therefore let this House show itself in earnest by passing this resolution so that a start may be made at once to deal with this urgent problem.

Babu AMULYA DHONE ADDY: In rising to support the resolution of my esteemed friend, Mr. Campbell Forrester, I cannot but admire him for his noble object. From what I have gathered from his speech just now delivered, it appears that he has the greatest sympathy with the beggars of Bengal. The only thing that I take exception to is the word "nuisance" as used in the resolution moved by him. Now, Sir, it appears from the Census Report of the year 1911 that the total number of beggars in Calcutta was 4,390 and that in the year 1921, 6,691. Therefore, Sir, it is quite apparent that it has materially gone up and is most likely to go up by leaps and bounds, until some steps are taken to alleviate their grievances. I may point out here that in the year 1921 the Calcutta Vagrancy Bill was proposed with a view to giving relief to beggars, but I am extremely sorry to find that as yet nothing has been done in that direction. I also find that a scheme for the home of 200 beggars in Calcutta was prepared at a cost of only 36,000 but it has not yet come to fruition. However, Sir, the Government of Bengal was pleased to appoint a Committee to make inquiry into the real state of things. The Committee submitted its report with the recommendations that a Home should be established in Calcutta for the treatment of those beggars who have been suffering from incurable diseases, that alms houses should be established and that a school should be established for industrial education for those boys and girls who are too poor to receive education. I am very glad to find that, under the new Calcutta Municipal Act, provision has been made for the establishment of hospitals and alms houses and also for contribution to charitable institutions, but I am sorry to find that the Corporation appear to have neglected in the discharge of the sacred duties that have been entrusted to them under the Act. I admit, the Corporation have committed themselves to big schemes costing two crores of rupees with a view to improve the supply of filtered water in Calcutta. They shall have to incur an expenditure of another crore of rupees for the improvement of drainage of Calcutta; and for the improvement of the areas which have recently been added to Calcutta. They shall have to spend no less than a crore of rupees. I beg therefore to submit that some steps should be taken by the

Government as well as by the Corporation to give relief to those poor beggars. It appears that the Municipality of Colombo has established such hospitals and such industrial schools for the relief of beggars of that city and that Municipality is good enough to contribute no less than 50 per cent. of the total cost, the Government contributing the remaining other half. I think, Sir, the Calcutta Corporation would be good enough to contribute half and the Government would be pleased to contribute the other half. I may say here in passing that one of the sacred duties of the Hindus is contribution towards charities and as a matter of fact Hindu ladies give charities to beggars be they Hindus, Muhammadans or Christians without even inquiring as to whether they deserve compassion or not. But circumstances have materially altered. The prices of food-grains and other necessaries of life have abnormally gone up and therefore notwithstanding the mandate of their Shastras, the Hindu ladies cannot now afford to give charity even to the poorest of the poor. It may be said that rich Hindus are expected to make substantial contribution towards the cost, but taking into consideration the heavy taxation of Bengal, taking into consideration the heavy rates of income-tax and super-tax, they cannot be expected to make substantial contribution towards the same. In supporting the resolution, I beg to suggest that the local municipalities may be approached to make contribution and the Government of Bengal may also be pleased to make a substantial contribution. I therefore, think, Sir, that in the circumstances Mr. Campbell Forrester's proposal may be accepted.

Rai HARENDRANATH CHAUDHURI: Sir, I rise to oppose this resolution. Mr. Campbell Forrester recommends that a committee be appointed to inquire into and report on the desirability of taking legislative action in stopping what he terms as the "beggar nuisance." "The beggar nuisance" may be a term quite compatible with his ideas of social service, but in the land of Swami Vivekananda where the beggar is termed "Daridra Narayan", such a thing is quite unthinkable. Then, Sir, Mr. Campbell Forrester asks that a committee should be appointed committee which is considered to be the panacea of all evils social or otherwise. He has forgotten however that a committee was appointed. That committee inquired into the problem and suggested legislative action, although not so drastic as will probably suit my friend Mr. Forrester's ideas. I am simply reminding him of the Mendicancy Committee which reported in 1920. The Committee, however, did not think of stopping all forms of beggary. On the other hand it suggested that in stopping this alleged nuisance we should be careful of providing sufficient safeguards and remedies. The committee opined that beggars whether religious or otherwise should be allowed to accept alms near temples and bathing ghats. It also proposed another safeguard, *viz.*, that no interference by any

kind with house to house solicitation for alms should be allowed. Then it proposed a piece of law to cope with this matter. It was for the Government to bring forward a Bill but the Government did not think it proper to do so probably because it would not be in a position to finance a scheme of coping with this beggar problem. The committee suggested a scheme which would cost a non-recurring expenditure of Rs. 25,00,000 and a recurring expenditure of more than Rs. 1½ lakhs every year. As the Government were not in a position to finance a scheme of this kind they did not move in this matter. But of course Mr. Forrester or his supporters are not prepared to urge anything against Government. On the other hand they criticised the Calcutta Corporation and other municipalities for not taking any step in this matter. Mr. Amulya Dhone Addy has said that the Calcutta Corporation has not done its duty in this respect. He probably knows more about the Corporation than I do. But I think he goes too far when he contemplates that it is simply the duty of the Calcutta Corporation to provide against this alleged nuisance. The Mendicancy Committee suggested that it was the duty of the local Government as well as of the municipalities to cope with this alleged evil. Their recommendation was that the non-recurring and recurring costs of the poor law institutions should be borne by Government and the Calcutta Corporation in fixed proportion. Then, Sir, Mr. Addy has further said that the municipalities have not made any rules to cope with this alleged evil. But there also the committee suggested that the rules should be framed by the local Government. They said "the local Government may direct and frame rules providing for the cost of maintenance of necessary institutions and such other things as supervision, contribution, etc., in order that necessary arrangement can be made to cope with this problem." So I think the situation cannot be improved by simply denouncing the Corporation and other municipalities.

I cannot, therefore, understand what good and force there is in Mr. Campbell Forrester's point in asking for the appointment of another committee on this matter. A committee went into the matter thoroughly but the recommendations of that committee could not be given effect to probably on account of financial difficulties. Then, Sir, in a country where there is no poor law rate or old age pension such a proposition, *viz.*, one to penalise begging, ought to be unthinkable. Moreover, oriental culture and tradition do not permit that poverty should be penalised nor the oriental people like that they should be coerced into giving alms as the Westerners prefer to be.

Babu UMES CHANDRA CHATTERJEE: The Indian Legislatures have no right to undertake legislation to stop beggary. They are beggars themselves for political rights. They must first improve their status and then think of doing away with the beggars who beg for

food. The Indian Legislatures are subservient institutions to the Government of the country. These institutions are powerless to solve the most puzzling problem of unemployment.

The Legislature is incompetent to stand in the way of political mendicants. It has no right to stand in the way of religious mendicants who have the sanction of the religious teachers behind them. The invalid people who have no other source of income have a right to take to mendicancy in a slave country. Then there remains the fourth class who are able-bodied people and yet take to mendicancy owing to their perversity. The number of this fourth class is very small and we can well overlook this fourth class. Besides it is very difficult to distinguish this fourth class from the class of the religious mendicants. So this resolution is uncalled for and Government must think many times before giving effect to it if it is passed. There are numerous social evils, namely, the dowry system, the use of foreign goods, the style of living in the European fashion by the natives, etc., etc., which demand immediate attention of the country and which are ruining the Indians. If we can tolerate these evils, we can well tolerate the mendicancy of the able-bodied people. In this view, I oppose this resolution.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I wish at the outset to state that Government have every sympathy with Mr. Campbell Forrester's desire to have measures taken to deal with the beggar problem in Calcutta. Babu Kishori Mohan Chaudhuri moved in the Bengal Legislative Council in 1918 a resolution almost identical with the one now before us, except that he laid no particular stress on the importance of the problem in Calcutta itself. His resolution was withdrawn on an assurance given by Government that a preliminary inquiry would be made to obtain more definite data as to whether professional mendicancy was assuming serious proportions and as to the best means of grappling with the problem. In February, 1920, the Government issued a resolution stating the facts briefly so far as they had then been ascertained and appointed a Committee over which Sir Alfred Pickford presided. In their resolution Government accepted the general trend of opinion that in mufassal municipalities mendicancy had not yet attained such dimensions as to justify any special measures but that some action was certainly required in Calcutta.

Sir Alfred Pickford's Committee arrived at the conclusion that "professional mendicancy exists to a degree which demands serious attention both in the interests of public health and the conservation of the amenities of the city". The general opinion of the public bodies and individuals consulted by the Committee was that the evil had recently increased, and this opinion was corroborated by the census

figures of March, 1921, which showed that the number of beggars then enumerated in Calcutta was 8,828 (males 3,408 and females 5,420). The Committee pointed out that the situation was aggravated by the inadequacy of the existing provisions of the law relating to mendicancy as the maximum penalty on able-bodied beggars was one month's hard labour in Calcutta, and a fine of Rs. 50, or, in default, simple imprisonment for two months in the suburbs, while the maximum period of detention in a Refuge, if one existed, was limited to the period of the sentence. Detention for a short period, such as this, is too short to serve any useful purpose in the case of the maimed, the halt, and the blind; nor is it ordinarily possible within this period to cure the curable, to teach any trade or even materially to alleviate distress. The Committee was convinced that the defect at present was the absence of any suitable institutions to which beggars, who are not able-bodied, might be sent for treatment.

In the result, the Committee made proposals based on the action which would be taken in Bombay and Ceylon for establishing the following institutions, *viz.*:—

(1) a Receiving Centre and Casual Ward which was to be a kind of clearing house for sorting out and classifying beggars;

(2) hospitals where the halt and the maimed and the diseased might be treated in curable and incurable wards;

(3) an Alms House for those who are too old to work but are not suffering from serious disease;

(4) an Industrial Home combined with an Unemployment Bureau; and

(5) an Industrial School for dealing with the child medicant.

Government were of opinion that it was unnecessary to take action at once on the whole of the comprehensive recommendations made by the Committee but that there was much to be said for establishing a hospital or infirmary—with curable and incurable wards—for sick, diseased and infirm, vagrants, who after all have the greatest claim on the sympathy of the State or of local bodies. There is evidence to show that the usefulness of the Calcutta hospitals has to some extent been impaired by the fact that a considerable number of their beds are permanently occupied by unfortunates of this type who should more properly be accommodated in a refuge or infirmary for vagrants, while there can be no doubt that the presence of a swarm of diseased beggars in our markets and streets constitutes a serious menace to the public health. Government, however, were of opinion that in respect of the vagrants in the city of Calcutta the responsibility rested with the Calcutta Corporation; and in July, 1923, invited the attention of the Corporation to the problem and asked them to accept the foundation and maintenance of an infirmary of the kind I have just described as a

legitimate charge of municipal funds. So far as Government are concerned, the case rests at that stage, but I understand that the Calcutta Corporation has already appointed a Committee to investigate the question and that their report may shortly be expected. I understand that the Committee discussed the matter with the local Territorial Commander of the Salvation Army at their last meeting on the 10th February, 1926. They have come to no decision as yet. The Sub-Committee have inspected No. 110, Manicktala Main Road, and consider that it may suit the purpose. This is how the matter stands at present with the Corporation. I can only state that Government will be prepared to give their most careful attention to any proposals which the Calcutta Corporation may make to deal with this problem but, in the circumstances I have stated, I think, it will be agreed that the appointment of a Committee as proposed by Mr. Campbell Forrester would hardly serve any useful purpose at this stage. I may mention that the Salvation Army have indicated their willingness to assist in dealing with the problem and I understand that they have already undertaken most devoted and valuable work on these lines in Bombay, where the institutions placed in their charge are supported by voluntary subscriptions. I think there can be little doubt that this problem can be best dealt with through some such agency as the Salvation Army, although funds must come from other sources. As the problem is, in the opinion of Government, one with which the Corporation is finally concerned, I think this Council will agree that it is advisable to await the report of the Committee I have already referred to, before any further action is taken. With this assurance I hope the hon'ble mover will see his way to withdraw his motion.

Mr. J. CAMPBELL FORRESTER: Sir, the Hon'ble Member who has just sat down has referred to the Committee which sat in 1922. I am quite aware that that Committee went into the question very exhaustively but it did not put forward any practical solution of the problem. I fear that that Committee was not appointed in the way that I desire to have it appointed. My desire was to have members of the Salvation Army and various other people who take interest in this matter together with charitably disposed gentlemen who are inclined to take part in the deliberations of the Committee. It is a question of organisation, but the Committee which sat in 1922 put forward no practical scheme. If some such Committee as I desire could be appointed, I think they will be able to put forward some sort of practical scheme and the solution of this difficult problem would be found in a fortnight's time. For the present so far as I can see the policy in regard to this matter is one of muddling through. This "muddling through" process is surely not a good one when we are dealing with a serious question like this. If this Committee be formed in the way I suggest, I am sure the remedy could be brought about by

the combined effort of the Salvation Army and other charitably disposed persons. I do not wish to press the matter and if the Government gives an assurance that it will carefully consider the report of the Committee appointed by the Calcutta Corporation, I will withdraw my resolution.

Dr. BIDHAN CHANDRA ROY: May I ask the hon'ble mover whether his motion includes Brahmins who are professional and hereditary mendicants?

Mr. PRESIDENT: Mr. Campbell Forrester, there cannot be any conditional withdrawal. I think you should either withdraw it or press it.

Mr. CAMPBELL FORRESTER: In the circumstances I beg to withdraw it.

The motion was then, by leave of the Council, withdrawn.

Adjournment.

The Council was then adjourned till 3 P.M., on Wednesday, the 24th February, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 24th February, 1926, at 3 P.M.

Present:

The Hon'ble the President (KUMAR SRIJUT SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council and 130 nominated and elected members.

Mr. PRESIDENT: Gentlemen of the Council, with reference to the incident on Thursday last, I notice that a statement has been going round a certain section of the press that pressure has been put up on me by outside authority either to take a certain line of action or refrain from doing it. Gentlemen, nothing can be further from the truth. As the elected President of the Bengal Legislative Council it is my duty to state at once that I recognise no master except the Bengal Legislative Council, and I declare that in matters concerning the dignity and honour of the Chair, as also of the House, no one can interfere with my action save and except the House itself.

Starred Questions

(to which oral answers were given).

Recovery of arrears of rent by summary procedure.

***LXVI. Babu SATYA KISHORE BANERJEE:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Land Revenue) be pleased to state—

(*i*) how many applications have been received under section 158A of the Bengal Tenancy Act; and

(*ii*) from whom they have been received; since the insertion of that new section by the Amending Acts of 1907 and 1908?

(*b*) How many applications have been granted?

(*c*) To whom have they been granted?

(*d*) What are the reasons for rejecting the other applications?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) (*i*) Thirty-one.

(*ii*) Government are not prepared to give the names.

(*b*) Seven.

(*c*) A statement is laid on the table.

(*d*) The member is referred to the reply to unstarred question No. 90 at the August session of 1925 by Maulvi Abdul Quader.

Statement referred to in the reply to clause (c) of starred question No. LXVI showing the proprietors to whom permission for recovery of arrears of rent by summary procedure under section 158A of the Bengal Tenancy Act have been granted.

1. Nawab Bahadur of Murshidabad.
2. Mathurapur Zamindari Company, Limited.
3. Raja Satiprasad Ganga Bahadur and co-sharers of Mahishadal.
4. Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia.
5. Birnagar Municipality in Nadia.
6. Nawab Estate, Dacca.
7. Four annas share of the Bhowal Estate in Dacca.

Dr. KUMUD SANKAR RAY: With reference to answer (*a*) (*ii*) will the Hon'ble Member be pleased to state why Government are not prepared to give the names?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Government do not consider it desirable to give the names.

Survey of inland steamers.

***LXVII. Maulvi A. K. FAZL-UL HUQ:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether the mail and passenger carrying steamers belonging to the India General Navigation and Rivers Steam Navigation Companies are surveyed every year as required by section 11 (*a*) of Act I of 1917, in Calcutta? If not, why not?

(*b*) If the survey has been made on any occasion or occasions at any port other than Calcutta, will the Government be pleased to state the reasons for having the survey made outside Calcutta?

(*c*) Will the Hon'ble Member be pleased to state when and where the last survey of these steamers was made?

(*d*) Is it a fact that some steamers were rejected by the Calcutta Surveyor?

(*e*) If so—

(*i*) how many steamers were thus rejected; and

(*ii*) what were the names of the rejected steamers?

(*f*) Was the Chittagong Surveyor engaged to survey any steamers in Barisal after they had been rejected by the Calcutta Surveyors?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for the procedure adopted?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): (*a*) They are surveyed every year by a Government Surveyor, but not always in Calcutta.

(*b*) For reasons of administrative convenience and in order to avoid an unnecessary dislocation of steamer services.

(*c*) The preparation of a statement giving the information asked for would entail considerable labour incommensurate with its value.

(*d*) and (*e*) Applications for certificates of survey were withdrawn by the owners in five cases on ascertaining the amount of repairs required in order to keep the vessels suitable for passenger service. The names of the vessels were—*Akbar*, *Bombay*, *Skye*, *Oriental*, and *Cloatie*.

(*f*) No.

(*g*) Does not arise.

Maulvi A. K. FAZL-UL HUQ: With regard to the answer to sub-clause (*c*) will the Hon'ble Member be pleased to state whether any attempt has been made to prepare a statement?

The Hon'ble Mr. J. DONALD: I do not think so.

Motor traffic in mufassal.

***LXVIII. Babu JOGENDRA NATH MITRA:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether it is a fact that owing to an abnormal increase of motor traffic in mufassal the roads in charge of the District Boards and municipalities are fast deteriorating and that there is no provision in the law for imposition of any rate on the owners or occupiers of the cars as in the case of carts and carriages?

(*b*) Do Government propose that owners of motor cars should be made liable to a tax for contributing a reasonable amount for the repairs of the roads?

(*c*) What steps, if any, is contemplated by the Government for the imposition of such a tax?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): (*a*) Government have received complaints from District Boards and municipalities about deterioration of their roads caused by increasing motor traffic. Under the existing law local bodies cannot tax the owners of motor vehicles.

(*b*) Yes.

(*c*) Government propose to introduce a Bill shortly in the Legislative Council which will empower District Boards and municipalities to tax motor vehicles kept within their jurisdiction.

Babu JOGENDRA NATH MITRA: Will the Hon'ble Member be pleased to state by what time the Bill is expected to be introduced?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: It is very difficult for us to say at the present moment unless certain preliminaries are gone into.

Reduction of train service on the Santipur-Krishnagar Railway.

***LXIX. Dr. H. W. B. MORENO:** (*a*) Will the Hon'ble Member in charge of the Department of Public Works (Railways) be pleased to state what are the reasons which led to the reduction from the 1st December, 1925, of the train service from six to two per day in the Santipur-Krishnagar Railway (narrow-gauge) branch of the Eastern Bengal Railway?

(*b*) Is the Hon'ble Member aware of the inconvenience of the travelling public owing to this reduction of train service?

(*c*) If so, what action, if any, are the Government contemplating taking in the matter?

(*d*) Will the Hon'ble Member be pleased to state the average number of passengers who have travelled by each of the trains of the above Light Railway before and after the aforesaid reduction of train service from the 1st December, 1925?

(*e*) Will the Hon'ble Member be pleased to state why six trains with nine or ten carriages each to contain about 24 passengers were originally provided prior to the 1st December, 1925?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Mr. J. Donald): (*a*) Dearth of passengers.

(*b*) The inconvenience can only be to very few as will appear from statement of traffic given in reply to (*d*) below.

(*c*) Does not arise.

(*d*) The average number of passenger travelling per train is as follows:—

January to June, 1925 ..	19
July to September, 1925 ...	13
October, 1925 ...	12

Figures from the 1st December are not yet available.

(*e*) This provision was made in order to meet the anticipated traffic.

Howrah gang case.

***LXX. Babu MANMATHA NATH ROY:** (*a*) Has the attention of the Hon'ble Member in charge of the Police Department been drawn to the result of the Howrah gang case which terminated on the 23rd of January, 1926?

(*b*) Will the Hon'ble Member be pleased to state whether the Government have come to any conclusion about the conduct of the police in the matter of securing an approver in the case?

(*c*) Will the Hon'ble Member be pleased to state what action is proposed to be taken on the findings of the Court in the acquittal of the accused in the above case?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) and (*c*) A copy of the judgment has been called for but has not yet been received by Government.

(*b*) No.

Plying of motor buses in Calcutta.

***LXXI. Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether sanction has been given for the plying in Calcutta of motor buses with solid tyres.

(*b*) If so, will the Hon'ble Member be pleased to state the names of the companies to whom such sanction has been given?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) (*i*) Calcutta Tramways Co.

(*ii*) Walford Transport, Ltd.

(*iii*) The Oriental Transport, Ltd.

(*iv*) The Ruccia and Sealdah Motor Service (A. A. Subhan).

(*v*) The Reliable Motor Service (A. K. Moudol).

(*vi*) Garden Reach Motor Transport (Messrs. T. Mirza & S. Jah).

Babu MANMATHA NATH ROY: With reference to answer (*b*) (*iv*) (*v*) and (*vi*), will the Hon'ble Member be pleased to state what the names in the brackets signify?

The Hon'ble Sir HUGH STEPHENSON: These names are as given to me by the Commissioner of Police, and I think they signify the names of the proprietors of the Companies.

Gangs of swindlers infesting the Northern Division of Calcutta.

***LXXII. Dr. BIDHAN CHANDRA ROY:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that there are numerous places in the Northern Division of the town which are infested by gangs of cheats and extortioners who decoy people to these places on promise of doing business with them, persuade them to play a fraudulent game with beads known as "Chinese magic" or "Elachi game" and then, on the plea that they have lost the game, rob them of their money?

(*b*) Is the Hon'ble Member aware that even respectable and educated men have been victimised by these gangs?

(*c*) Will the Hon'ble Member be pleased to state what steps, if any, have been taken to stamp out the evil?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Yes. Government are aware of the existence of several gangs of such swindlers.

(*c*) Individual cases are investigated as they are reported but great difficulty has been experienced in prosecuting these cases in Court partly because it is not always possible to bring them within the four corners of the law and partly because the victims often show a disinclination to pursue the charge. A conviction has, however, been recently obtained in one case against which an appeal is pending in the High Court.

Dr. BIDHAN CHANDRA ROY: Will the Hon'ble Member be pleased to state whether they can deal with some of these gangs under the Goondas Act?

The Hon'ble Sir HUGH STEPHENSON: No, the Act cannot deal with gangs, but we can possibly deal with individuals in these gangs under the Goondas Act.

Assistant Jailors.

*LXXIII. **Maulvi ZANNOOR AHMED:** (*a*) Will the Hon'ble Member in charge of the Department of Revenue (Jails) be pleased to state whether he has received memorials from the Assistant Jailors?

(*b*) Is it a fact that the present scheme has benefited only a few of the staff as stated in paragraph 3 of the printed memorial of the Assistant Jailors?

(*c*) Is it a fact that many officers inferior in necessary qualifications have been made Deputy Jailors?

(*d*) Is it a fact that senior Assistant Jailors have been made clerks?

(*e*) Is it a fact that the selection was not made in accordance with the Government Orders?

(*f*) Has the attention of the Hon'ble Member been drawn to paragraphs 3, 4, 5 and 6 of the printed memorial submitted by the Assistant Jailors?

MEMBER in charge of DEPARTMENT of REVENUE (JAILS) (the Hon'ble Sir Hugh Stephenson): (*a*) Yes.

(*b*) No, but some have been benefited more than others.

(*c*), (*e*) and (*f*) The memorials are under consideration.

(*d*) Two Assistant Jailors have been made head clerks.

Maulvi KADER BAKSH: No answer has been given to question (*c*), "Is it a fact that many officers inferior in necessary qualifications have been made Deputy Jailors".

The Hon'ble Sir HUGH STEPHENSON: This, I understand is an allegation in the memorials under consideration.

Allegations against the President of the Tulasar Union Board.

*LXXIV. **Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether for some time there was rumour that the President of a certain Union Board in Subdivision Madaripur, District Faridpur, had misappropriated a large amount of the Board's money;

(*ii*) whether on the matter being brought to the notice of the Subdivisional Officer of Madaripur he called for a report from two teachers of the local High English School; and

(*iii*) whether the two gentlemen made a report supporting the rumour and recommending a fuller inquiry?

(*b*) If the answer to (*a*) is in the affirmative will the Hon'ble Member be pleased to state whether such an inquiry has been made or commenced?

(*c*) If so, what is the result of the inquiry?

(*d*) If the answer to (*b*) is in the negative, will Government be pleased to state its reasons for not holding this further inquiry?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) to (*d*) The member is referred to the answer given to the question asked on the same subject by Babu Bejoy Krishna Bose.

Excise tax on date trees.

***LXXV. Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state in what districts the imposition of excise tax upon the date trees is sanctioned?

(*b*) What is the income derived from this source in each of such districts?

(*c*) Is the Hon'ble Member aware, that the people object to this sort of taxation for some districts only?

(*d*) Is the Hon'ble Member aware, that the objection is on the ground that its effect is a lesser outturn of treacle?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) In the Sadar and Serampore Subdivisions of Hooghly district, and the whole of Howrah district, except the portion of the latter included in the Calcutta district.

(*b*) The income from tree tax in the above areas for the past three years has been as follows:—

Year.	Hooghly.	Howrah.
1922-23	36,970	50,308
1923-24	48,292	56,657
1924-25	40,415	66,217

(*c*) and (*d*) No.

Babu BORODA PROSAD DEY: Will the Hon'ble Member be pleased to state why certain districts only have been selected for this tax?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: It is as an experiment.

Babu BORODA PROSAD DEY: Will the Government be pleased to inquire——

Mr. PRESIDENT: That is a request for action, and not for information, Boroda Babu.

Government policy in the matter of grant for rural water-supply.

***LXXVI. Babu BORODA PROSAD DEY:** (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether there has been any change of policy in the Government grant for rural water-supply in the present year by taking up schemes of such work directly, through the Government officials, and not through the District Boards?

(*b*) If so, what are the reasons for such a change?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) and (*b*) The Government policy is described in Government Order No. 105-09 T.-P.H., dated the 11th May, 1925, a copy of which is laid on the table.

GOVERNMENT OF BENGAL.

LOCAL SELF-GOVERNMENT DEPARTMENT.

PUBLIC HEALTH.

Nos. 105-09 T.—P.H., dated Darjeeling, the 11th May, 1925, from S. W. Goode, Esq., I.C.S., Secretary to the Government of Bengal, to all Commissioners of Divisions.

I am directed to refer to my circular letter Nos. 1524-28 P.H., dated the 15th July, 1924, on the subject of the improvement of water-supply in rural areas. Government have carefully examined the whole question in the light of the replies to that circular and have come to the conclusion that while the problem can only be solved by local bodies, it is legitimate and desirable that Government should assist localities in supplying their needs. A provision of Rs. 2½ lakhs has accordingly been made in the budget for the current year to enable grants to be given in aid of definite schemes for the improvement of rural water-supply, and if satisfactory results can be achieved in this way, it is hoped that it will be possible to repeat the grant in the four succeeding years if the financial position permits.

2. The grant for the year 1925-26 has been distributed as follows:—

		Rs.
Presidency Division	...	75,000
Burdwan Division	..	75,000
Rajshahi Division	...	50,000
Dacca Division	..	30,000
Chittagong Division	...	20,000

Orders are being issued placing the allotment for your division at your disposal, and I am now to convey the instructions of Government as to the principles to be observed by you in allocating it to individual districts and to individual schemes.

3. In the first place, I am to say that in allocating the grants the guiding principle should be to secure that the money will be spent usefully in localities where the need for improved water-supply is really urgent, and subject to the observance of this condition Government propose to leave you a fairly free hand in the matter. It is most desirable to avoid the mistakes which were made in connection with the distribution of previous grants of this character, when insistence on rigid conditions produced a mass of correspondence and paper programmes, but very little addition to the water-supply of the Province. While it is of course most desirable that District Boards should be consulted in regard to the distribution of the grants, they should, as as already stated, be allocated to definite schemes and not in the form of lump grants to the Boards. It will be for the district officer, in consultation with the Board and with his Subdivisional Officers and Circle Officers, to select the most urgent schemes and to recommend them to you in order of urgency as suitable for a grant. Experience shows that, on the whole, Union Boards are the best agency for carrying out small local schemes for the improvement of rural water-supply, and Government desire that the bulk of the grants should be distributed to Union Boards in the districts where they exist. On the other hand, areas in which no Union Boards exist should not be absolutely debarred from the benefits of a grant, and in such areas there is no objection to a grant being given to any suitable local agency, such as a co-operative society, an anti-malarial society, or even a group of private individuals, provided that you and the District Officer are satisfied that the need for improved water-supply is really urgent and that the agency selected can be relied upon to spend the grant to advantage.

4. As a general rule, it may be laid down that the actual need of a particular village for improved water-supply will be shown by its willingness to contribute part of the cost, and ordinarily the Union Board or other local agency applying for a grant should be required

to contribute at least one-third of the total cost of the work. On the other hand, rigid insistence on this condition might result in nothing being done in the poorest and most necessitous areas, and you are therefore authorised to waive it in individual cases if you think this course advisable. As between Union Boards with equal needs, preference should be given to those Boards which have already imposed taxation under section 37 (*b*) of the Village Self-Government Act or are prepared to do so.

5. Every endeavour should be made to secure the financial co-operation of the District Board in the schemes subsidised by Government and care must of course be taken to prevent overlapping. It is obviously desirable that Government, the District Board and the local authorities should co-operate in the early execution of particular schemes rather than dissipate their energies over a large number of different schemes. It is hoped, therefore, that District Boards will be willing to contribute a generous share of the funds they have available for water-supply to the schemes selected for grants on the present occasion.

6. As to the objects on which the grants should be spent, it is clear that local conditions vary enormously. In some areas money will be more profitably spent on re-excavating old tanks than on digging new ones. In other areas wells are of more importance than tanks, and in some places it would probably be worth while to experiment with tube wells. Government accordingly propose to leave you a free hand in the selection of the schemes to which grants should be allocated, subject only to the condition that the expenditure of the grant is likely to lead to a genuine improvement in the local water-supply.

7. As to the actual disbursement of the grants, you may give District Officers such instructions as you may think necessary. Where a local contribution is required it should ordinarily be spent before any part of the Government grant is disbursed, and a portion of the grant should be kept in hand till the work is certified to have been satisfactorily completed. It is not necessary to insist on elaborate measurements being made by the authority granting the certificate. The grant may be disbursed from time to time by the District Officer subject to your control, if he is satisfied on the certificate of a responsible officer, either of the district staff or of the District Board engineering staff, that the work has made sufficient progress or has been satisfactorily completed.

8. It is desirable that the allocation of grants should be made as soon as possible in order that work on the schemes selected for grants may be started as soon as the working season begins. You should therefore call upon District Officers to consider at once, in consultation with District Boards, what schemes should be recommended for

grants during the current year. It would probably save time and correspondence, if before making recommendations, District Officers convened an informal conference, or formed a local committee, consisting of the Chairman and some or all of the members of the District Board, the Subdivisional and Circle Officers and any others are likely to be able to give useful advice. It is believed that in most districts, programmes of a sore already exist, and the most urgent schemes are probably well known to the local authorities, so it should not be difficult to secure a considerable measure of local unanimity in regard to the schemes to be put at the head of the list.

9. It should be understood that these instructions apply only to the distribution of the current year's grant, and that Government reserve the right to modify or supplement them in their application to the distribution of grants in future years. It is, however, hoped that with the cordial co-operation of all concerned, they will produce, within the next twelve months, a substantial improvement in the water-supply of the areas to which the grants are allocated. I am to ask that a report may be submitted to Government by the 1st December on the progress made in the allocation of the grants and on any difficulties that may have arisen. Suggestions may then also be made for any alteration of these instructions that you consider desirable.

Assistant Jailors.

***LXXVII. Babu KHAGENDRA NATH GANGULY:** (*a*) Is the Hon'ble Member in charge of the Department of Revenue (Jails) aware that owing to the recent reorganisation of the cadre of Assistant Jailors a discontentment has been created among them?

(*b*) Is it a fact that in selecting Deputy Jailors many of the Senior Assistant Jailors of 15 to 18 years' standing have been superseded by officers of four or five years' standing?

(*c*) Is it a fact that most of these superseded Assistant Jailors were recruited for executive work?

(*d*) What is the decision of the Government on the memorials submitted by these officers?

(*e*) Has the attention of the Hon'ble Member been drawn to paragraphs 6 and 7 of the printed memorials recently submitted by the Assistant Jailors?

(*f*) Has the Hon'ble Member made an inquiry into the matters set forth in the said paragraphs of the memorial?

(*g*) If so, what is the result of the inquiry?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) The replies given to unstarred question No. 25 asked by Mr. Mahbubul Huq may be seen.

(*c*) The Assistant Jailors used to do both executive and clerical work.

(*d*) to (*g*) The memorials are under consideration.

Listed posts and Bengal Civil Service officers.

***LXXVIII. Babu NALINIRANJAN SARKER:** (*a*) Is the Hon'ble Member in charge of the Appointment Department aware that there is discontent in the Bengal Civil Service (Executive Branch) for not substantively filling up vacancies in the listed posts?

(*b*) If so, what action, if any, are the Government proposing taking in the matter?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) Government have no information to this effect.

(*b*) Does not arise.

Unstarred questions

(answers to which were laid on the table).

Plying of motor lorries in Calcutta.

55. Maulvi MD. NURUL HUQ CHAUDHURI: (*a*) Is the Hon'ble Member in charge of the Police Department aware that rashly-driven and heavily-laden motor lorries are causing cracks and damages to many newly-built houses in Calcutta?

(*b*) What action, if any, are the Government proposing to take to stop the damage to the house-owners of Calcutta?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The reply is in the negative.

(*b*) The question does not arise.

Motor car accidents in Calcutta.

56. Babu JOGENDRA NATH MITRA: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the number of persons killed in the year 1925 from motor car accidents on the roads in the town of Calcutta?

(*b*) Have the Government considered the question whether the present arrangement, if any, to prevent such accidents is sufficient?

(*c*) What further preventive measures, if any, are under contemplation?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Eighty-eight.

(*b*) It is not clear what the member means by "the present arrangement". Traffic control could be improved if a larger police staff were employed.

(*c*) Government have under consideration the question of increasing the traffic police and reorganising the traffic department.

Muktabs and primary schools.

57. Maulvi ABDUL QUADER: (*a*) Will the Hon'ble Member in charge of the Department of Education be pleased to state whether it is a fact that *muktabs* and primary schools stand on the same footing in matters of primary education in this province?

(*b*) Is it a fact that some selected Board aided primary schools are converted into Panchayati Union schools while Board aided *muktabs* are not allowed to enjoy such privileges?

(*c*) Are the Government considering the case of *muktabs* also in the matter of selection of Panchayati Union schools?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. J. Donald): (*a*) *Muktabs* are special primary schools particularly intended to meet the requirements of Moslems, while primary schools are intended to cover the requirements of all classes of pupils composing a union. They do not therefore stand on the same footing in matters of primary education. Both are treated as primary schools. One is of special type serving a particular class of the community while the other is of a non-denominational type serving all classes of people.

(*b*) It is a fact that Board aided primary schools are occasionally converted into Board managed by Panchayati Union schools. As under the educational rules under the Local Self-Government Act approved in Government Order No. 395-T. Edn., dated the 17th June, 1920, Boards are required to maintain strict religious neutrality in all Board schools and as there is no union entirely composed of Moslems it has not hitherto been considered advisable to convert a *muktab* into a Panchayati Union school.

(*c*) In view of the answers to (*a*) and (*b*) the question does not arise.

Damodar canal scheme and re-excavation of Saraswati.

58. **Babu MANMATHA NATH ROY:** Will the Hon'ble Member in charge of the Department of Irrigation be pleased to state what steps are proposed to be taken in the near future in the matter of the Damodar canal scheme and the re-excavation of the Saraswati river in the districts of Howrah and Hooghly?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): The member is referred to the replies given to a question on this subject at this session and another question at the meeting of the 4th December last.

Reduction of train service on the Santipur-Krishnagar Railway.

59. **Babu HEMANTA KUMAR SARKAR:** (*a*) Will the Hon'ble Member in charge of the Public Works Department (Railways) be pleased to state whether it is a fact that the reduction in the number of trains from six to two per day from 1st December, 1925, last in the Santipur-Krishnagar Railway (narrow-gauge) branch has been made on financial grounds?

(*b*) Were the Railway authorities aware of the Public Works Department (Railway Branch) letter No. 44R., dated the 9th January, 1924, when they reduced the train service?

(*c*) Is the Hon'ble Member aware of the great inconvenience which the public has been put to by the above reduction of train service?

(*d*) If so, what action has been taken in the matter?

(*e*) Will the Hon'ble Member be pleased to state why six trains with nine or ten carriages, each to contain about 24 passengers, were originally provided?

The Hon'ble Mr. J. DONALD: (*a*) The reduction was made on grounds of economy. Traffic does not justify the larger provision.

(*b*) Copy of the letter was not sent to the Agent.

(*c*) The average number of passengers travelling per train before the reduction varied from 12 to 19 and the inconvenience, if any, can only be to a very limited number of passengers.

(*d*) None.

(*e*) It was originally anticipated that the traffic would require this provision.

Word "Benefactor" in grant-in-aid rules.

60. Mr. B. N. SASMAL: (*a*) Is the Hon'ble Member in charge of the Department of Education aware that for want of a definition of the word "Benefactor" in the grant-in-aid rules, a good deal of inconvenience is being felt in forming Managing Committees of the Aided High English Schools?

(*b*) If so, are the Government proposing to define the said word at an early date?

The Hon'ble Mr. J. DONALD: (*a*) Occasionally it has been difficult for the District Magistrate to decide who were benefactors.

(*b*) A definition of the word "Benefactor" will be attempted when the grant-in-aid rules for High Schools are revised.

Allegations against the President of the Tulasar Union Board.

61. Babu BEJOY KRISHNA BOSE: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether several complaints of defalcations of money and non-submission and fabrication of accounts had been made to the District Magistrate of Faridpur and the Subdivisional officer of Madaripur against the President of the Tulasar Union Board?

(*b*) Is it a fact that the learned Subdivisional Officer of Madaripur sent one of the complaints to be enquired into by the Assistant Head Master of Tulasar G. D. H. E. School?

(*c*) Is it also a fact that the said Assistant Head Master submitted a report on the 4th February, 1925, finding the allegations to be true?

(*d*) Has any action been taken by the authorities on the report? If not, why not?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (*a*) to (*c*) Yes.

(*d*) Yes. The Subdivisional Officer held a personal enquiry and reported to the District Magistrate on the 2nd February, 1926. The Union Board accounts for 1330 and 1331 B. S. were also thoroughly audited by the Circle Officer. No charge has been established against the President.

Introduction of elective system in the Kamarhati Municipality.

62. Maulvi WAHED HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to

state when the elective system was introduced in the Municipality of the Kamarhati mill area in the district of the 24-Parganas?

(b) What was the reason for the introduction?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: (a) From the year 1911-12.

(b) In pursuance of the general policy of Government to extend the elective system as widely as possible.

Maulvi WAHED HOSSAIN: Will the Hon'ble Member be pleased to state why in pursuance of the policy of Government in respect of some of these municipalities, the elective system was not introduced in Titaghar, Garulia and Bhatpara.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I must have notice of this.

Appointments of representatives of labouring classes as Commissioners of Champdany Municipality.

63. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble Member in charge of the Department of Local Self-Government be pleased to state whether the principle adopted in the Champdany Municipality, *viz.*, appointment of representative of the labouring classes as Commissioners is to be extended to all other Mill Municipalities in Bengal?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: The appointments to the Champdany Municipality involved no new principle or change of policy on the part of Government.

Contractors to manufacture country liquor at the Russa Distillery.

64. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble Member in charge of the Department of Agriculture and Industries be pleased to state—

(a) to which province does the present contractor for manufacture of country liquor at the Russa Distillery belong;

(b) what is the period of his contract;

(c) when does the contract expire; and

(d) at what rate per gallon does he supply country liquor to the Government?

The Hon'ble Nawab Bahadur SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) The present contractors at the Russa Distillery are the firm of Sir Haji Ismail Sait & Sons. The principal partner Sir Haji Ismail Sait has his principal place of residence in Bangalore.

(*b*) Five years.

(*c*) 31st March, 1926.

(*d*) Re. 1-6-6 per L. P. gallon.

Zenana waiting-rooms at registry offices.

65. Maulvi RAJIB UDDIN TARAFDAR: (*a*) Will the Hon'ble Member in charge of the Department of Education (Registration) be pleased to state whether the Government have made provision for zenana waiting-rooms at the registry offices?

(*b*) If not, will the Hon'ble Member be pleased to state why no such waiting-rooms has been built up till now?

MEMBER in charge of DEPARTMENT of EDUCATION [REGISTRATION] (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Government have made provision for zenana waiting-rooms in many registry offices.

(*b*) This does not arise.

Motion under section 72C(4) of the Government of India Act.

Mr. B. N. SASMAL: Sir, the motion which stands in my name is that the Hon'ble Kumar Shib Shekhareswar Ray, President, Bengal Legislative Council, be removed from his office under section 72C(*4*) of the Government of India Act, 1919, and I beg to move that the same be accepted by this House.

The incidents of Thursday last may be recapitulated as briefly as possible. Firstly, there is the fact that the Hon'ble the President at first disallowed the amendment of Sir Abd-ur-Rahim, only to revise his order a minute or two later. Secondly, there is the fact that the remark made by Maulvi Md. Nurul Huq Chaudhury had not reached the ears of the Hon'ble the President and he actually forced him to repeat his remark and then asked him to withdraw the same. Thirdly, there is the fact that the Hon'ble the President held that the conduct of Maulvi Md. Nurul Huq Chaudhury was "grossly disorderly", because he was guilty of uttering a single sentence, consisting of only 12 words, namely, "It was the arbitrary power of the President which was doing it". Fourthly, there is the fact that Dr. Kumud Sanker Ray was similarly found guilty of "grossly disorderly" conduct, for uttering a single word "shame"

once or twice and at the time when he was actually suspended for the day, he was not inside the House at all. Fifthly, there is the fact that the leader of the Swarajya Party protested against the conduct of the Hon'ble the President at this stage and he most certainly voiced the feelings of all the honest observers in this House when he suggested that the Hon'ble the President had gone too far and was wholly undignified.

I shall not relate the incidents which took place after the suspension of the leader of the Swarajya Party, for they most certainly took place in consequence thereof and, human imperfections being what they really are, it is fortunate that other incidents of a graver character did not take place last Thursday afternoon.

Now, there can be no question that this House has the power—the constitutional right—to remove the President from his office. The only question is whether, under the circumstances of the present case, it should be done.

It is no use quoting English precedents here. In England the speaker has not the right to suspend any member on his own responsibility. If he does so, it is done with the authority and sanction of the House of Commons. The result has been that since 1777 till to-day there have been only two occasions, when a vote of censure was moved against the speaker there. In this unfortunate country of ours, the law is different, as almost everything else is different, and the consequent result is bound to be different too. Because the Hon'ble the President has been given the autocratic powers under the law of the land, therefore the remedy is bound to be drastic. Otherwise, it does not require much intelligence to foresee that suffering would be on one side only—possibly on the wrong side.

Judged from this view point, the question of finality of the President's rulings is of limited significance. In the eyes of law, only those rulings of the President are final, which are correct. His wrong rulings are to be corrected by the House. To my mind, the method of correcting his wrong rulings by proposing his removal is too cumbrous and serious and the direct method of applying the petty correctives on the spot is more effective and less consequential, at least so far as the honest mistakes of the honest speakers are concerned. Most of my English friends will perhaps disagree with me here, but that will be due to the fact that they have been great lovers of decorum for centuries together. I am sure, my continental friends will agree with me.

I must, however, make it perfectly clear that we do not bear any grudge or ill-will towards the Hon'ble Kumar Shib Shekhareswar Ray, we have also very nearly forgotten the fact that he got himself elected by the Government votes. We also decline to take notice of the remarks which the Hon'ble the President made outside this House to some of our colleagues, as to how he proposed to deal with the members when such

an occasion arose. I shall indeed be too glad to be told that my information on this point is incorrect. He was one of us and he is our President now. We realise that by exposing him we are likely to court criticism from the enemy quarters. But how else, may I ask, can our grievances be remedied. How else can we make our President more dignified and less erring. As Mr. John Redmond said in 1902 when Mr. Mooney moved a vote of censure on the then speaker of the House of Commons, "such power as that vested in the Chair would be intolerable unless there existed in the House itself the power of reviewing, under proper condition, those decisions. If no such power existed, then the freedom of discussion would be a thing of the past".

Perhaps for all these reasons the *Times of London* once said that the speaker should have the following qualifications:—

(1) Imperturbable good temper, tact, patience and urbanity;

(2) a previous legal training, if possible;

(3) absence of bitter partisanship in his previous career;

(4) the possession of innate gentlemanly feelings which involuntarily command respect and deference; and

(5) personal dignity in voice and manner.

To these indispensable requirements, a writer says, might be added the importance of a sense of humour in the holder of the office, for many a delicate situation has been saved, specially in recent times, by the speakers possessing this precious gift of nature.

I am afraid, our President lacks in many of these qualities. Not having been a lawyer himself, his rulings are sometimes wrong and he is tactless and undignified He often forgets that he is a servant of this House and as such his sense of dignity cannot possibly be keener or higher than that of them who elected him. He is perhaps not aware of the "predominantly judicial character of his office", nor could he be well-acquainted with the so-called "melancholy events" with which the continental parliaments abound in these of rising and advancing democracy. And the incidents of Thursday last fully support my contention.

Sir Abd-ur-Rahim had not given notice of his amendment seven days before the day fixed for the discussion of the resolution and the Hon'ble the President was right in disallowing it at the first instance. The power bestowed upon him under section 77 (*1*) is an extraordinary power, giving him jurisdiction to allow any amendment to be moved without notice, but that jurisdiction was not to be arbitrarily exercised. There might have been members who would have attended the meeting, if they knew that Sir Abd-ur-Rahim was going to move his amendment on that date. I don't know if the Hon'ble the President had noticed the difference in language between Rule 37 and Rule 77 and after once

deciding in favour of the objection raised by so many members of the House, he ought not to have taken upon himself the entire responsibility of allowing the amendment again.

In any case, there was reasonable ground to hold that he was exercising his jurisdiction arbitrarily and if Maulvi Md. Nurul Huq Chaudhury had said in whisper that it was so, the Hon'ble the President ought not to have taken notice of it. That Maulvi Md. Nurul Huq Chaudhury had said it in whispers is clear from the fact that the President had not heard him, at least distinctly, for then he would not have asked the Maulvi Saheb 3 or 4 times to repeat the remark. I distinctly remember that when the Hon'ble the President asked the Maulvi Saheb to repeat his remark on the first occasion, Maulvi Md. Nurul Huq Chaudhury did not reply to it at all. If the Hon'ble the President was dignified and tactful, he ought have stopped there. But he did not do so. He repeated his demand not twice but thrice most certainly and perhaps for a fourth time as well. This was the very height of indiscretion in his part, he ought to have known that the Maulvi Saheb was incapable of telling a lie. He actually goaded Maulvi Md. Nurul Huq Chaudhury to repeat his statement and he sentenced him with a day's suspension, announcing to the world that the Maulvi Saheb was guilty of "grossly disorderly conduct".

Who was in fact "grossly disorderly" may I ask? Did any member honestly feel in his conscience that the words of the Maulvi Sahib, 12 in number, were obstructing them in the discharge of their duties inside the Council? I am sure, none of us felt anything like it, because most of us did not hear the remark, until the Hon'ble the President himself became angry and showed temper, his whole body trembling and shaking at the time. There have been speakers in the House of Commons, who have declared that they did not hear the objectionable remarks on the ground that they were made from behind the Chair, or that they were not going to take notice of them, as they were not meant for them. Mr. Chaudhury's remark in whispers ought not to have been taken notice of by the Hon'ble the President, specially when he did not like to repeat it even after 3 or 4 demands from the Chair. But this is not all. The Maulvi Saheb was declared guilty of "grossly disorderly conduct" and suspended for the day, without any reference to the House as if the Hon'ble the President had come prepared to teach him and other little boys of this House a lesson in obedience on the very floor of this Hall. "Grossly disorderly" conduct indeed? He uttered only 12 words which did not reach your ears and therefore you forced him to repeat the same—only those 12 words—and then declare that he is guilty of grossly disorderly conduct: Indiscretion and tactlessness could not go any further.

Then, Dr. Ray shouted the word "shame" once or twice—Sir, you had yourself done so at the top of your voice and looking full at the

face of Sir Evan Cotton, our late President, and you knew full well that he never suspended you or anybody else for the use of that word. If you had read the Parliamentary debates, you ought to have known that "it is a word which is of recent use and one which is becoming frequent" but for the use of which no member of Parliament had ever before been suspended. You not only suspended Dr. Ray but you did so under certain tragic circumstances. Dr. Ray had left the House immediately after the use of the word and yet you called upon him in his absence or perhaps within your knowledge, to withdraw the word. And because it was not withdrawn—it could not be withdrawn by Dr. Ray as he had left the House already—you were of opinion that his conduct was also "grossly disorderly" and you suspended him for the day and asked him to withdraw from the House immediately.

I have never been able to understand how the Hon'ble the President could request Dr. Ray to withdraw his word while he was not in the House, perhaps with the President's knowledge, how could Dr. Ray withdraw the word in his absence from the Hall, how could Dr. Ray's conduct become "grossly disorderly" when he could not be seen anywhere in our midst and how could he be asked by the Hon'ble the President to withdraw from the House, when he had already done so.

As I witnessed these incidents one after the other, sitting silently in the midst of this western block, the idea naturally came to my mind that our President was not only inherently incapable at times of becoming serious, but he was very much prone to exaggerate his own personal importance, as distinguished from the importance of his office. In my humble opinion, he forgot that the President of a representative institution like ours has no separate existence at all. If I were in his position I would have at once got up and said that by crying shame upon their President, the members were crying shame upon themselves and the matter would have ended then immediately. He wrongly thought that he was more dignified than his erstwhile colleagues and to my mind that is the main reason why we are in the midst of this difficulty.

After Dr. Ray's expulsion, the leader of the Swarajya party very rightly protested against the conduct of the President and his description of the conduct was not at all wrong in fact I thought the President would now realise the situation, which was his own creation, and settle matters amicably then and there. But he not only did not do so, he further suspended the leader of the most popular party in this House without realising the magnitude and gravity of the matter in anyway. No leader of any party had ever before been suspended anywhere in this world, on the contrary, when such incidents have cropped up, their assistance and advice have always been sought for by the Presidents. It was only in December last that Mr. Adamson was suspended by the House of Commons and Mr. Baldwin brought about an amicable settlement by declaring that it was not a case of premeditated infringement of

the manner and customs of the House. "I am quite convinced", he said, "it arose from one of those temporary losses of control which occur to most people, and which most of us regret heartily as soon as the occasion has passed".

After all, the institution which the President represents can exist only by conventions of a tolerant character and no amount of law or rule can possibly work it smoothly, without those conventions. And the person who has, for the time being, the greater power among the two, is the person who should be held responsible for the creation of such difficulties.

It appears this noble sentiment is not shared by all the parties concerned in this case. So much so, that some of us have been forced to realise that, even in a matter like this, we have got to vote according to party lines. It is a pity—a thousand pities—that this strength of party voting has stood in the way of amicable settlement in spite of our repeated serious efforts. The House should realise what would happen if a Swarajist were elected President and if he suspended Sir Hugh Stephenson in the way the leader of the most numerous party has been suspended by the Hon'ble Kumar Shib Shekhareswar Ray.

We feel, however, that we can now vote for this motion with a clear conscience—we can not be accused of any premeditation at the commencement of this incident, nor can it be said that we were ever unwilling to settle the matter amicably. It is the intervention of a third party which has brought about this difficulty when practically everything was settled and the responsibility shall be theirs who are ruining the harmonious relations of this House.

With these words, I recommend this motion for the acceptance of the House.

Mr. PRESIDENT: The next motion being identical will be deemed as withdrawn.

Babu AKHIL CHANDRA DATTA: Mr. President, I gave notice of this motion and was ready to move it. I can assure you I was doing it——.

Mr. PRESIDENT: You are not to move it.

Babu AKHIL CHANDRA DATTA: I said I was ready to move it.

Mr. PRESIDENT: I am sorry.

Babu AKHIL CHANDRA DATTA: I say I was about to move it with the deepest sorrow and not in anger. To me personally it is a very

painful task, painful for reasons more than one. I had the pleasure of working with you for three years as a colleague in this Council in pre-Reform days. I had the pleasure again of working with you in this Council for about two years as a member of the same party, but what is more important I had a little part in your election to the Chair and I lent my humble support to you. Without any boast I say this only to explain my position and only to assure you and through you the House that I could not possibly have been actuated by anything like ill-will or any grudge. What I was going to say, of course I repeat without any boast, that the support I lent you at the time of your election was not altogether inappreciable or inconsiderable, but there is still another reason for which it is a painful task to me. Ever since I gave notice of this motion believe me, Sir, how many times did I feel distressed to think that this is a motion that we are going to move against our first elected President. Therefore I hope—you may disagree with me on the merits of this case—that you will accept my assurance that I was not for moving the motion light-heartedly, but with a full consciousness of the gravity of the situation. I feel, Sir, if it were a purely personal matter I should have been only too glad to induce other gentlemen to withdraw that motion. But the question involved is one of great constitutional importance; the question involved is one of the fundamental rights of the members of this Council who are doing their duty within this Council chamber.

Now, Sir, before discussing the particular incident which has given rise to the immediate cause of this motion allow me to say a word about the respect due to the Chair. Respect to the Chair is certainly due; it should be given ungrudgingly and more respect should be shown than may be necessary according to the strict law. I do not dispute that proposition but may I also point out that if respect is due to the Chair respect is equally due to every member of this House. After all, what is the position of the members of this House? Speaking for the elected representatives I do not mean to disparage the position of other gentlemen but I am speaking only for the elected members of this House. Now, who are these elected members of the House? My contention is this: Personally and individually I may be a very humble man as I am indeed a humble man and as many members of this House must feel that personally and individually they are very humble and very insignificant but what I do claim is that as long as I occupy my seat in this House, as long as I sit here as an elected member, as long as I am within this Council chamber I deserve and every one member of this House however humble his position may be otherwise deserves all the respect that is due not to him personally but to the whole constituency that he represents. That is the position. If you, Sir, show disrespect to any one single member of this House I say you show disrespect to the entire people of this province. (Cries of "shame", "shame"). The President is after all the representative of the members of this House.

Regarding the dignity of the Chair, a moment's examination will show what that dignity is due to. That respect for authority of the Chair must be upheld but why upheld? What is the underlying philosophy of this respect and dignity? Because the Chair is the custodian of the respect and dignity of the members of this House. That is the reason. If you show disrespect to the members of this House the very object for which you are invested with this authority and dignity is frustrated because in an assembly like this where there are different parties and different groups with conflicting ideas and ideals, with conflicting interests, where there are various communities and parties and races, the Indians and non-Indians, officials and non-officials, the landlords and tenants, necessarily there must be a conflict of interests and it goes without saying that there is an inherent tendency of feeling and excitement in the course of the debates in this House. Not only here in this country of ours that it is so but it is so in all civilised countries and all over the world. By the very constitution of this body there is that room for excitement and feeling and passion and therefore, Sir, the duty of the Chair is pre-eminently this: I must discuss this because before I make out a case for your removal I must show what is the duty you are expected to perform and that you have failed in the discharge of that duty. The duty of the speaker here as in every other country is to allay and calm down feelings and passion and not to inflame them. Wherever there is a tendency of conflict and trouble it is the proud privilege and the sacred duty of the President to throw oil over the troubled waters and pacify matters. That is really the reason why the President should be invested with all manner of authority, of sanctity and of dignity. As my friend has already observed, the President is really a servant of this House, he is a representative of this House, he owes his office to the votes of this House. Now, Sir, it is well known that the guiding principle is that the speaker is not the master of the House, but its representative, its leader, and the authoritative counsellor in all matters of form and procedure, but here in this unfortunate country every public servant thinks that the public are his servants. There are these two words "public servants"; it is not a servant which is to serve the public but the public to serve the servant—that is the idea in this country, and that is the idea which I find is contagious. That is the reason why I have to perform this melancholy duty of supporting this motion. It is the duty of the Chair to steer clear the House in a storm; he must be tactful, he must be patient, he must not be hasty, he must be absolutely conciliatory, he must be winning and persuasive, he must have kind words for the members and above all he must be a gentleman of the first order. This reminds me, Sir, of a certain passage in Graham's book "The Mother of Parliament" *viz*:—

To sum up, then it may be urged that a Speaker should combine intellectual ability with those qualities of character which are the mark of what is called a "gentleman"—a term that has perhaps seldom been more aptly

defined than in a speech in which Lord Chamberlain, Lord John Cavendish, recommended the claims of a candidate to fill the Chair vacated by the death of Sir John Cust in 1770.

May I in this connection point out to the House a paragraph on this question from the book of procedure of the House of Commons?

The description of the office of Speaker given in the course of the debate of 1780 upon the election to the post is instructive. To be capable of filling the Chair with dignity, the person proposed must understand the constitution of the State, be well acquainted with the law of the land and above all be perfectly master of the law of Parliament. He must have a zealous attachment to the rights and privileges of the Commons of England and a sufficient degree of ability and——

(At this stage the member reached the time limit and had to resume his seat.)

Dr. BIDHAN CHANDRA ROY: Sir, the occasion is unique. It is an unprecedented occasion that the first elected President of the Bengal Legislative Council is proposed to be removed from his office, because of his conduct of Thursday last. A great deal has been made of the fact that the House is constituted after the pattern of its prototype, the House of Commons and therefore the dogma or the fact that holds good there, namely, that the dignity of the House is associated with the dignity of the Chair should also hold good in this House. We may not offend the one without doing harm to the other. But let me assure the members of the House that the resemblance is very superficial. It is true, here as there, there is a person sitting in the Chair with certain authority given to him by the statute and in whom are vested certain punitive powers. He has to guide and control the activity of the House—he has to moderate the inevitable and natural passions of a popular assembly. It is true also that in this Assembly as in any other the mood of the House is uncertain. There is no barometer to indicate when the storm is going to burst. All of a sudden a hurricane bursts upon the House, out of what seemed just a moment before, the most trifling and tranquil of situations. Therefore, the resemblance that there is between this House and the other, is that in both places human passion play a great part.

Beyond this, the resemblance stops short. In the House of Commons they work not so much under a written constitution but on such constitution as has evolved out of conventions and precedents of that country. It has been said with truth that there "freedom slowly broadens down from precedent to precedent". Therefore the rules of procedure of that House that have guided them in the past and are still guiding the deliberations of that assembly to-day are those to which the House have agreed; and if any powers are given to the President, it is the powers of the House as a whole handed over to the President, on

trust, to be used carefully when occasion demanded. It may be said that under such circumstances only the dignity of the House and the dignity of the Chair could be regarded as closely associated. But in our case the constitution we work under and the rules framed therefrom are drawn up and manufactured seven thousand miles away by individuals who, however versed they may be in the art of government, have not much in common with the people of this country, and sent to us by packet post for our use. Such are the rules which we are to obey and work under. Sir, let the members of this country think of other countries where they work under a written constitution—France, Germany, America and Australia. In the assemblies of these countries, the use of fisticuffs and throwing of chairs and agenda papers at one another are not very uncommon episodes. Why is this? Have the members ever thought of the difference between the two constitutions? It is because these constitutions do not possess the sanctity of ages, they are not evolved out of precedents; and consequently when passions surge the human breast, they are not awed down in the presence of sacred inheritance of centuries.

But, even about England, we read in Graham's book on "Mother of Parliament":—

> Speakers in the past displayed little of the dignity and none of the fairness to which their successors have now for generations been accustomed. They were frequently subjected to intentional disrespect on the part of the unruly members of the assembly over which it was their duty to preside. In the early journals of the House, for example, we find a speaker complaining that a member had put out his tongue, and popped his mouth with his finger, in scorn. Even as recently as in the reign of George the Third the parliamentary debates were marked by perpetual altercations of an undignified and acrimonious description between the members and the chair.

What then do we look for in a President of a representative Assembly? A Lord Chancellor in the reign of Queen Elizabeth said to the House of Commons "Go and assemble yourselves together and elect one, a discreet, wise and learned man to be your speaker". Discretion comes first in this. It may as well be the second and the third qualification of the President. It is said that "in the twentieth century as in the sixteenth, the faculty of the highest importance in the art of speakership is circumspection, sagacity, tact, in which is implied an imperturbable temper, a careful observation of the peculiarities of the individual character and a commonsense in judgment". I concede at once that the dignity of the Chair must be maintained. But how is it to be maintained? and who disturbed it on Thursday? I read in Graham "The speaker should ever be ready to quell disturbance with a fair hand, he must yet display an habitual urbanity of manners, calculated to soothe the nerves of an irritable and excitable assembly. When a member uses unparliamentary language, the speaker must summon his persuasive powers to induce the culprit to withdraw the offensive words". On

Thursday, you, Sir, gave a ruling and a few minutes after, gave a contrary ruling. The hon'ble member rose to a point of order and you read the Standing Order under which you had the power to give the ruling. I do not dispute the fact that you have the power to give such ruling, I do not question at this stage whether the ruling was right or wrong, although I find it has been questioned in some quarters. When the Standing Order was read out, the member said something which I certainly did not hear and presumably you did not hear also. You asked the member to repeat what he had said. The hon'ble member said "I have said what I have said. I do not want to repeat it any more". Was not this a sufficient indication that the hon'ble member had no intention of repeating it? But, Sir, on another fateful occasion the cock crew thrice. In this case you asked him three times to repeat the expression he had used. Then the game was up. It is said that sometimes a deaf ear is as useful to the President of an Assembly as the blind eye was to Nelson. No President can control an Assembly who had not the self-possession, the calm judgment to assuage the unaccountable impulses, the temperaments, the unreasoning whims and caprices of an Assembly. In this case, you chose to poke the deadly lion within and then the storm burst. Where was the necessity of rousing the volcano and if a person does so deliberately, I say, it was you who has lowered the diginity of the Chair. (Hear, hear.) The powers vested in you should not really have been used by you on that occasion because you yourself was at the mercy of swaying impulses. "A man who is stung to the quick" says MacDonagh "by angrily reproving cries is unsuitable for the Chair of the House of Commons." You should have known human nature and studied the temperament of each member. You should have remembered that it was you who sitting next to me, before your elevation to the Chair, was most vociferous and created the biggest rows which it was the privilege of the assembly to witness. (Hear, hear.) Where was your judgment? Where was your discretion? Can it not be said that having provoked the outburst you were incompetent and unfit to exercise the power vested in you. Therefore I say deliberately that it was you who had lowered the dignity of the Chair.

The powers vested in you, you did exercise. The members 'named" withdrew. But the members on this side of the House felt that they should show their disapproval of your conduct. Your salary is not votable, and an ordinary motion for a vote of censure may or may not have a chance of being moved in the lifetime of this Council. A motion of adjournment of the House depended on the will of the Governor and the President. Therefore the only course open to us then was to move under section 72 C (*f*) of the Government of India Act. Our action was considered hasty even by those who thought the President was wrong. Perhaps said they the tabling of this motion may stop negotiations towards a settlement. Let me assure you, the members of this

House, that I have tried all means in my power to arrive at a settlement, because I felt that whether the motion is lost or carried, the estrangement between the President and certain sections of the House will remain. On Friday we were in view of a settlement. But events happened on Saturday morning which frustrated all attempts at a rapproachement. We were told that certain highplaced members of the Government had insisted that the prestige of the Chair must be maintained. I use the word "prestige" advisedly—not dignity, because in India when prestige enters by the front door dignity escapes by the back door. (Hear, hear.) Yes the prestige must be maintained. Alas! what mistakes have been committed, what issues sacrificed, under the influence of this beguiling witch.

When I was assured last night that the chances of settlement were frustrated by the invisible hand I determined that this motion must be discussed before the House so that I might exclaim "Hands off, Lords keep off the grass". We, the members of the House, are dealing with our elected President. Pray do not interfere.

If this motion is lost, the result will be due to the Government being able to command a subservient and slavish majority. (Hear, hear.) In that case, I shall be able to throw open the doors of the House and show to the people the figure of the elected President of the Council as a henchman tied to the Treasury Bench and clothed in a robe of prestige by a benign Government. (Applause.)

The Hon'ble Sir HUGH STEPHENSON: I think I ought to take as early an opportunity as possible to rise to oppose this motion on behalf of Government. While paying my tribute to the moderation with which Babu Akhil Chandra Datta has spoken, the speech of Mr. B. N. Sasmal in moving this resolution fills me with despair as to the possible development of Parliamentary Government in India. This motion proposes to remove the President under section 72 C of the Government of India Act from his office. Now, why has this power been given by the law? Surely, Sir, it is not that the Council should remove its officers without due consideration; surely, Sir, the reason is that, as Babu Akhil Chandra Datta, has said, the power of maintaining his dignity of the House is vested in the House itself; the Speaker is the representative of the House and this power is vested in his hands by the House but the ultimate appeal lies to the House and the section mentioned is intended to provide for this ultimate appeal. If members have read the debates in the House of Commons—some of them have done so and one at least of them has quoted from a speech in the House of Commons—they will see that when a motion of censure on the Chair has been brought, it has not been a motion of personal censure, but a formal motion in order to enable the House to express their views, not on the conduct of the Speaker, but on some actual

ruling which has been given. The motion of Mr. Mooney makes that very clear. Now, Sir, in this particular case, there is no question of a ruling. The President by law and by the Standing Orders—which latter are in the keeping of the House—is the custodian of the dignity of the House, as Babu Akhil Chandra Datta has correctly said. Therefore, Sir, the President is unable to do anything or to allow anything which will take away that dignity. It is not a question of personal dignity. It is the dignity of the House. He cannot allow it to be compromised. He cannot allow it to be taken away.

Now, Sir, the President is given by the Standing Orders discretion to suspend a Standing Order and allow an amendment under certain circumstances. He exercised that discretion. It has been said that he gave one ruling and then withdrew it. That, Sir, is not the case. It is not borne out by my recollection and I was sitting opposite the Chair the whole time. The President in the first instance said: "I think in vew of the number of people objecting I should not allow the amendment." Sir Abd-ur-Rahim then asked that he might be allowed to lay before the President the circumstances under which he was prevented from giving the requisite notice. He was allowed to explain the circumstances and the President then exercised his discretion and gave his order. We are not, I understand, questioning that order. It has not been put forward by anybody as a reason for removing him that he exercised his discretion in a particular way. If it had been put forward nobody in the House would have ventured to support it. Well, Sir, if it is not the exercise of the discretion which the law gives him and which must be vested in him and in him alone that is in question, what is it that the House wish to turn him out for? We have it in Mr. Sasmal's speech. Mr. Sasmal after raising the point about the withdrawal of the ruling began to cite the incidents of last Thursday. His first point is that Maulvi Md. Nurul Huq Chaudhury's remark did not reach the President's ears. I venture to think, Sir, that the President did not trust his ears. He could not believe that Maulvi Md. Nurul Huq Chaudhury had made the remark and therefore before censuring him he wanted to make quite certain what he had actually said. Then, Sir, his next point is that the President should not have made him repeat the remark. Is it seriously argued that it is open to any member of the House to make remarks whether against the Chair—and that includes the whole of the House—or against other members and then refuse either to withdraw it or repeat it? Maulvi Md. Nurul Huq Chaudhury was given an opportunity of withdrawing the remark. If he had withdrawn that remark nothing further would have occurred. I put it to the House that that was undoubtedly the right course to pursue. If Maulvi Md. Nurul Huq Chaudhury did not wish to insist upon that remark his proper course would have been to say: "I beg to withdraw it." Nothing further would then have occurred. But having declined to wthdraw it, the

President had no alternative but to exercise his power to suspend him and that was done. It has been said that these powers of suspension are not vested in the Speaker in the House of Commons and that the procedure is entirely different at Home. I have in my hand this Manual of Procedure of 1924 laid by the Speaker on the table of the House of Commons:

159. The Speaker, or the Chairman of a committee of the whole House may order any member whose conduct is grossly disorderly to withdraw immediately from the House.

* * * * * *

A member ordered to withdraw under this rule must do so forthwith, and must, during the remainder of the day's sitting, absent himself from the precinct of the House, except for the purpose of serving on any committee on a private Bill.

In all meetings whether of a private or public character this power of maintaining order must be and is exercised.

The next point is that Dr. Ray should not have been suspended because he had left the House. Surely, Sir, no one can maintain the contention that it is open to a member of the House to shout an insult to the Chair and then run away without anything being done to him.

Mr. Sasmal then says that the leader of the Swaraj party suggested that the President had gone too far. That is a very mild way of putting it. Our recollections and the printed proceedings of the House show that the leader of the Swaraj party accused the Chair of being childish. That, Sir, was an insult to the dignity of the whole House and to say that the President was precluded from suspending the leader of the Swaraj party because he was the leader of the Swaraj party is to my mind an argument not easily understood. Surely the right argument is not, because a man is the leader of the party therefore he is immune, but because he is the leader of the party therefore he is expected to show a better example. Mr. Sasmal asked what would have happened if the Chair had suspended Sir Hugh Stephenson. Well, Sir, if the Chair had suspended me for conduct like that for which he suspended the leader of the Swaraja party, I can say honestly without any fear of contradiction that what I should have done would have been to apologise to the Chair and regretted my indiscretion. There, Sir, Mr. Sasmal left the tale of woe and said that the other incidents took place in consequence, the implication being that the members concerned were therefore excused because there had been disorder before. Then, Sir, Mr. Sasmal raised the point that the shouting of "shame" was not grossly disorderly conduct. "Grossly disorderly conduct" is a Parliamentary expression and I think any one who has read books on Parliamentary procedure -some of the previous speakers have certainly read them as they have quoted from them—cannot have any doubt for one moment that crying "shame" to the Chair is a grossly disorderly conduct in the Parliamentary sense.

Our rules require that a Speaker shall declare definitely that the action for which a certain member is suspended is grossly disorderly conduct and he did so. Then, Sir, coming to general principles, apart from the actual incident, I leave aside Dr. Bidhan Chandra Roy's speech. Dr. Roy is prepared not to take any advantage of the history and experience of the Mother of Parliaments, he will have none of it because he has not seen it himself and will not learn from the experience of centuries of Parliamentary Government; and after all the system of Government here that we are working to introduce is definitely based on the western Parliamentary model. Dr. Bidhan Chandra Roy prefers that we should begin at the cave man stage and that disorder should be allowed until we have been through centuries of it and can stand it no longer. In Parliamentary debates, in the history and the working of any Parliamentary institution this fact cannot be gainsaid that whatever may be the ruling of the Chair, whether the Speaker's Chair, or the Corporation Chair, that ruling must not be questioned, it must be obeyed. It may be questioned later on, but at the time there is nothing for it but to obey; there is no getting away from the fact that the President is entrusted with certain powers; he has to make a decision, the decision may be right or wrong, but it must be followed or else there is an end to all Parliamentary procedure. Now, if it had been alleged that there had been any gross partiality on the part of the Chair we might have understood this motion being brought forward, but as I have shown, the only ostensible reason for bringing forward this motion is that the President exercised the discretion vested in him by law in a way that was not appreciated by certain members of the House and subsequently when certain members of the House were grossly disorderly the President exercised the powers which we have entrusted to him to meet such special cases. Now, is it not the fact that the real reason for bringing forward this motion is to wreak vengence on the President for having exercised these powers over some members of the House? (Cries of "No, No".) There is no other question raised. There has not been put forward any argument that this motion has been brought in order to raise a discussion as to whether a ruling of the Chair was right or wrong. It is not a formal motion; it is a definite motion whereby a certain party desires to get rid of the President. What is the reason? Because he suspended certain members. I say without hesitation that the President had no alternative and that his conduct in suspending these members was perfectly correct and the only possible course he could take.

Some mention has been made of this motion being the only alternative that the members had. It was not the only alternative. To my mind the only proper alternative, after the incident of Thursday last, was an expression of regret by those members that they had insulted the dignity of the Chair, and I am sorry that this course was

not taken. The course that has been taken will not advance the progress of political liberty in India one jot. It will give to those who are opposed to further advance a handle whether this motion be carried or not to transfer to Bengal the stigma that should fall only on one portion of this House. I regret that this motion has been brought forward in the Council, and I appeal to the House to throw it out.

Mr. KENNETH CAMPBELL: It is desirable that I should explain in as few words as is possible the opinion of the British group upon the motion before the Council. We, British, are brought up in an atmosphere wherein the respect for and support of the President or Chairman becomes almost second nature. We should only depart from that attitude if there were constant and unjust partiality, but we are quite satisfied that the Hon'ble Kumar Shib Shekhareswar Ray, the President, has preserved the dignity and the impartiality of the high office to which he was elected by this Council with ability, with justice and with a great knowledge of the rules and Standing Orders. To refer more particularly to the occurrence which has given rise to the motion, I wish to observe that we dislike intensely personalities in this Council. We do not wish to make party capital of such an incident, or to appear to criticise unduly members who are not of our race and who perhaps have a different aspect upon politics, but I am obliged to express our opinion that the President was within his rights in admitting the amendment, and that the attitude of the other side was unfortunate and ill-considered, and wanting in the respect due to the President. We therefore most strongly oppose this motion.

Rai HARENDRANATH CHAUDHURI: I had no mind to intervene in this debate, but after what has been said by the Hon'ble Sir Hugh Stephenson I consider it my duty to reply to the points deliberately raised by him to confuse the issues and mislead the members. He started by saying that this motion was put forward to wreak vengeance on the President. I entirely repudiate such a suggestion. The next point has been raised by Sir Hugh Stephenson in the role of a friend—

The Hon'ble Sir HUGH STEPHENSON: On a point of personal explanation, Sir, I think the members on the opposite side are attaching too much importance to that expression. As I explained afterwards what I meant was that the only reason that has been put forward by that side for bringing this motion, is the fact that you, Sir, had suspended certain members of that party.

Rai HARENDRANATH CHAUDHURI: That is not true but I shall come to that point later on. I now proceed with the initial remarks of Sir Hugh Stephenson. He appears in the role of a friend

of India anxious for the advancement of Indian political liberty—I hope the Government of Bengal has already sent in a note in favour of the aspirations of the people of Bengal in this respect—and he is filled with despair and dismay about the progress of Parliamentary Government in this country. If Sir Hugh Stephenson has read the history of the development of Parliamentary procedure in his own country and the evolution of all those theories about the dignity of the House and the dignity of the Chair, I think he cannot have forgotten that almost in the same year in which his ancestors got the Petition of Rights—rights which up till now have been denied to us—a certain Speaker in the House of Commons was kept down in his seat by physical force and threats of violence, etc. Still his ancestors had no doubt about the progress of Parliamentary institutions in his own country. Then, a century later in 1777 a censure motion was brought before the House of Commons soon after the time when the Wilkes case was decided. Probably his predecessors did not despair of the development of Parliamentary institutions in his country even then. In the first quarter of the XIXth century such a censure motion was again brought before the House, still it did not affect the position of the House of Commons so far as the evolution of Parliamentary institutions was concerned and did not in any way affect the passage of the Reform Bills. Again, so late as in 1902 though Mr. Mooney moved his motion yet that did not affect the position of the Mother of Parliaments or jeopardise the cause of Parliamentary Government in England. It is only when a motion of censure is brought before this House—before an Indian legislature—that Sir Hugh Stephenson despairs of the progress of Parliamentary institutions.

Sir Hugh Stephenson in his anxiety to preserve and support the dignity of the House has appealed to the good sense of the members to vote with him. The dignity of the House, indeed! Dignity of what a House? A House that has not the primary privileges of the House of Commons; a House which cannot protect its members from arbitrary arrests, illegal confinements, detentions and deportations without trial. Yet he must remind us of the dignity of the House—the dignity of the House whose Speaker has only got to issue summons to certain members, but whom he cannot ask to be produced before the House and when asked to make his summons effective has got simply to plead his helplessness. I hope Sir Hugh Stephenson will not try to mislead the House by false analogies. The dignity of the Chair, Sir, can only be commensurate with the dignity of the House. May I remind Sir Hugh that in his country the dignity of the Chair was secured only when there was a self-reliant and independent House of Commons; not till then was the dignity of the House secured. I think Sir Hugh Stephenson may be reminded of the remark of Sir John Elliott that during the Tudor and the Stuart periods the office of the Speaker was

filled on many occasions "by nullities, men selected for mere court convenience." I think he will remember Walpole's expression in the Parliament of 1721-27 "that the way to the Speaker's Chair lay through the gates of St. James' Palace", paraphrased here which will mean through the gates of the Government House.

Then again, Sir Hugh Stephenson says that section 72 C (*4*) did not contemplate such a motion. All that is done in similar circumstances in the House of Commons is to bring forward a motion for the discussion of a point of order; that is not exactly the case though discussion on points of order is permissible only in a censure motion. Let me refer to a greater authority than Sir Hugh Stephenson in this matter. Redlich says: "A set debate on a point of order can only be brought on in one way and under definite conditions. The rules prescribe that due notice of motion must be given that on some future day a vote of censure upon the Speaker will be moved."

The Hon'ble Sir HUGH STEPHENSON: On a point of personal explanation, Sir. That is precisely what I said; that the vote of censure on the Speaker is not a personal censure; you can in a motion of censure raise a debate on whether a ruling was right or wrong, but the motion of censure is not a personal one.

Rai HARENDRANATH CHAUDHURI: I dissent from that view. A vote of censure must be a vote of censure, and it is not true that it can be brought up simply for the purpose of discussing a point of order. There are not many ways for the members of the House of Commons to raise such a discussion it is true; but there would be no point in or necessity for a motion for a vote of censure if the object be only an impersonal one and not also the removal of a Speaker in accordance with the procedure of the House of Commons. Whatever may or may not be the English practice Sir Hugh Stephenson forgets that here the only way to bring forward a motion of censure is that indicated in section 72 C(*4*); if the form of the motion does not meet with his approval the members are not responsible but the framers of the Act

Sir Hugh Stephenson further says that the conduct of all the members who were asked to withdraw or were suspended was grossly disorderly. I challenge him to state one case in which it has been upheld in the House of Commons that a Speaker can bully a member three or four times to utter certain inaudible expressions which the member is not inclined to utter again. I also ask him to quote any precedent where refusal to repeat objectionable words or repetition of objectionable words under compulsion from the Chair has been construed as coming under Standing Order 20 of the House of Commons. There are two Standing Orders so far as the House of Commons procedure is concerned; one is No. 18 and the other is 20. Only the

provision of Standing Order 20 is repeated here under section 17 of the Council Manual. Therefore in exercising the power that is vested in the President by section 17 of the Council Manual he needs to be more careful and cautious than the Speaker of the House of Commons. Knowing that under the present constitution he will never be in the position of the leader of the opposition Sir Hugh Stephenson says that if he had been similarly suspended, he would have forthwith apologised. May I know in how many cases high placed officials like Sir Hugh Stephenson have apologised in India?

[At this stage the Council was adjourned for 10 minutes.]

(After the adjournment.)

Sir ABD-UR-RAHIM: Sir, in opposing this motion I wish to use as few words as possible. A great deal of parliamentary learning has been displayed by some of the movers on the other side of the House, but not a single precedent has been cited which could be, in the least degree, said to support the motion that is now before the House. If they had been able to show that there were Members of Parliament who used the words "arbitrary," "childish", "foolish", "insane" with reference to the rulings of the Chair and then if they could have pointed out that the House censured the Speaker because he took proper and appropriate action with reference to the conduct of such members of the House, then and then alone would the incident, that happened the other day, be justified to the satisfaction of the hon'ble members opposite. Various statements have been made as to what are the duties of the President of this Council and what are the duties of the Speaker in the House of Commons. I do not know whether it is possible to give a comprehensive definition of such duties, but the duties of the President in this Chamber are sufficiently indicated, so far as the matters we have got to deal with are concerned, in the Rules of the House. The section to which reference has been made makes it absolutely clear that when a question arises whether a certain amendment, which is moved to a resolution, is in order or not as having been given in due time, the President has been deliberately vested with the discretion to allow the amendment even after objection has been raised. There is nothing in the whole Manual to show that there are any particular rules by which the exercise of the discretion of the President is to be controlled. In this case I was the innocent cause of the trouble that arose. I did not receive the list of resolutions and when I noticed that those papers were missing I telephoned to the Registrar that I did not receive those papers—it was the day before the meeting of the Council—and he was good enough to send me a copy. Under those circumstances as the amendment was mine I thought that there was excuse for my not having sent the amendment a week before the meeting. Those being the circumstances which I ventured to bring to the notice of the President, he ruled that I might

be allowed to move the amendment. I submit to the House that he was clearly right in his ruling in those circumstances, but whether he was right or wrong, the law vests in him the discretion and can anyone doubt his *bona fides* and that he exercised that discretion in good faith? Can it be suggested for one moment that he did not exercise the discretion in utter good faith? What sort of partiality could possibly be attributed to the ruling of the President? Can it be said that having regard to his career in this Council before he was elected by the House as President that he was so much in sympathy with the matter of the amendment and the resolution that he would forget his duty as President of this House and rule in a partial manner in order to allow the amendment to be moved? I have known the Hon'ble Kumar Shib Shekhareswar Ray in this House as a member working in the nationalist cause for the last 5 years I was a Member of Government and there was seldom any occasion on which he did not rise and severely criticise the actions of Government when he thought that those actions were open to criticism, and I have never known that the demand that was made in the resolution and the amendment had his particular sympathy on any occasion. Therefore, any question of partiality must be ruled out. His ruling was perfectly right—that must be admitted by every member of the House. That being so, I submit that the whole ground is taken away from under the motion that has been moved before us. Then what followed? Mr. Nurul Huq Chaudhury characterised the ruling of the President as arbitrary—not in whisper. If that was Mr. Nurul Huq Chaudhury's whisper, I do not know what his shouting is. I distinctly heard it and everyone here heard it: that was not what we call whispers. Then what followed? Another gentleman called the ruling "childish". The leader of the Swaraj party—a very important and large party in this House—characterised it as childish. Another gentleman who was seated on this side characterised the ruling as "insane". Well, gentlemen, I have been a lawyer—I have sat as a Judge for years together, I have heard many arguments, many a fine distinction drawn, many a quibbling, but the quibbling I have heard to-day beats all record. Now gentlemen, it is no good discoursing on every word that was said. You must feel the cumulative effect of what was done. I say that when Mr. Nurul Huq Chaudhury shouted out that the ruling of the Chair was arbitrary, the President could not possibly ignore it. If he ignored it, he had to abdicate his Chair. The same thing may be said with reference to every remark that followed—one trying to beat the other as regards want of decency. If you take the whole scene that was enacted here, I say—and I am sure most of the members of this House will agree with me—it was not possible for the President, unless he took drastic steps against those who created that scene, to sit in that Chair and conduct the business of the House any longer. Several members on the other side have cited what happened in other Parliaments: that fisticuffs and all sorts of things were used in other Parliaments. Well, I can

understand that human nature is weak—especially human nature on the other side. Gusts of passion gush forth. If you had said that the whole thing happened in a moment of excitement—momentary excitement—that it was not deliberate and that therefore you expressed your regret for what happened I could have understood it. But that is not the attitude. The attitude taken up is one of justification for the using of fisticuffs and all sorts of disorderly expressions in the House with respect to the ruling of the Chair, making it impossible for the Chair to uphold the dignity of the House.

Dr. BIDHAN CHANDRA ROY: On a point of personal explanation, Sir. Sir Abd-ur-Rahim has said that I justified the using of fisticuffs. I never did that: I simply mentioned that fisticuffs were used.

Sir ABD-UR-RAHIM: I would not misunderstand Dr. B. C. Roy but if he had said that "I am sorry for what had happened" that would be something.

Another thing I beg to bring to the notice of my countrymen who form the bulk of the members of this House is that we after all are an oriental people and as an oriental people we take pride in our well-known politeness. If politeness is the characteristic of ours in our dealings with each other surely we ought not to forget that in an assembly like this where the chosen representatives of the whole of Bengal are seated to deliberate upon the most momentous issues affecting the province, we should not create scenes which would not think of creating in any indigenous assembly of our own. I have lived a fairly long time, attended many a meeting and many assemblies: I say that in no Indian assembly or meeting of such gentlemen as we are, things like this ever happened. Whether in these new times and new ideas borrowed from western civilisation we are justified in forgetting our best traditions, I leave it to the members to judge for themselves. I for one can never agree that because in the French Chamber or in the Italian Chamber or in the English Parliament such things happen, therefore our conduct should be justified, although they are entirely repugnant to our sense of right and wrong both in India and in the East.

Mr. BYOMKES CHAKRAVARTI: This is a very important motion and that is the only ground which induces me to say a few words to the hon'ble members of the House. Fortunately or unfortunately I was not present when the incident of Thursday last took place; I only came into the Council Chamber when my friend Mr. A. C. Banerjee made a dramatic exit by saying "I am off" (laughter); I do not know whether he said the word "with pleasure". However a desire to table this motion was expressed and it was decided somewhat hastily although suggestions were made to postpone it. If sufficient time were given to other members of the Council to intervene, an adjustment of the

differences would have been achieved. However this motion was tabled. I am willing to forget my knowledge of law which I have practised for the last 40 years in favour of common sense. As far as I can see and have heard it repeated here several times what happened really was that an amendment of Sir Abd-ur-Rahim was admitted after hesitation. The law vests in the President the power to admit an amendment and if any member wishes to rise to a point of order as to whether he is right or wrong there is a method for that purpose. Then what followed was as to whether the President asked Mr. Chaudhury to repeat what he said three or four times. That after all is a question which can only be considered at the highest as want of tact. If that be so, is this the way how the conduct of the President should be questioned in the Council Chamber? So far as we aspire to have self-determination there must be a legislature and the legislature must be presided over by a President; the President must have power to keep order in the Council Chamber and not to submit to any exhibition of excitement or anger. I listened with great care to what my friend Mr. Akhil Chandra Datta said and though I think his speech was conceived in a proper spirit I am extremely sorry to differ from him on this occasion. In accordance with the decision of the Nationalist Party arrived at last night as well as according to my own conviction I oppose this motion. (Hear, hear.)

Babu MANMATHA NATH ROY: In supporting this motion, I emphatically repudiate the suggestion made by Sir Hugh Stephenson that it is intended by this motion to wreak any vengeance. The question appears to me to be a simple one, and I am prepared to give a very simple answer to the query which was made by Sir Hugh Stephenson. The query is as to why we have brought forward this motion. Before I entered the Council Chamber to-day I wondered whom I would find in the Chair, to-day, whether you would be in the Chair or you would ask your deputy to occupy it during the discussion of this particular motion. You, Sir, have chosen to be in the Chair and you cannot mind our expressing our views freely and frankly on this question. The question is not whether a particular ruling was right or wrong, the question is not whether you are guilty of any partiality (a question to which Sir Abd-ur-Rahim has drawn our attention), the question is not how the members of this House characterised your ruling with regard to that particular matter but the question before us is how you dealt with them. You, Sir, are the Speaker of the House and you represent the whole House. We have not the slightest doubt that the incident of Thursday last clearly demonstrated an absolute lack of practical wisdom and common sense on your part with the obvious result that you cannot command from us the respect to which you would otherwise be entitled. It does not matter what may be the fate of this motion whether it is carried or not. You, Sir, have contributed to the loss of the dignity of this House and of the Chair and you are unfit to occupy it any longer.

I have no doubt that section 72 C of the Government of India Act contemplates a motion of this description. Section 72 C cannot be limited to a question whether a ruling is right or wrong. That may be the I. C. S. point of view, or the point of view of a certain section in this House, but I have not the slightest doubt that under similar circumstances such a motion would be dealt with in the same way in every responsible assembly.

Sir PROVASH CHUNDER MITTER: If I desire to take part in this afternoon's discussion it is because I think I ought not to record a silent vote on an important occasion like this. The future growth of democratic institutions in this country depends largely on the decision of the House to-day. I use no language of convention when I say that I consider that to-day's discussion is a matter of supreme national humiliation to us all. Even assuming—which I do not for a moment admit—that your ruling was open to question, assuming even that it was wrong—we have to accept the ruling without any hesitation whatsoever for it is the essence of democratic institutions—whether that institution be a parliamentary institution or a municipal corporation—that members must respect the ruling of the Chair. That being the position when I find so many of my friends opposite, men of culture, men of great patriotism and men whose love for the country is no doubt great—when I find men such as these have tabled a resolution like the one under discussion and not only tabled it but moved it with all the earnestness they can command I feel very sad and despair about the future of my country. Sir, I have no right to arrogate that my judgment is necessarily right and the judgment of so many of my friends opposite must be wrong but I have to proceed on my own judgment, and to those who would listen to my advice I say " if you want democratic institutions to grow in this country then you must have respect for the Chair and you must without any hesitation oppose this motion ". That is the only issue before us to-day; no other issue arises.

Sir, I understand that Mr. Sasmal has referred to the precedent of the British House of Commons. Speaking for myself I as a nationalist value our own conventions and traditions far more than the precedents of other countries. I am, therefore, loath to be guided by the precedents of other countries. I, therefore, echo every word of my friend Sir Abd-ur-Rahim when he said that we, Indians, value courtesy and good breeding more than other people—I hope my friends on the right will not misunderstand me. Dr. Bidhan Chandra Roy has referred to other examples of other countries. He has said that fisticuffs are not unknown in some countries. I, as an Indian, would like to tell Dr. Roy and my friends opposite " do not imitate the bad examples of other countries—imitate their good examples if you can, but eschew their bad examples ".

Dr. BIDHAN CHANDRA ROY: I rise to a point of personal explanation. I find that what I said has been misunderstood. What I did say was that our constitution being a written one, we cannot avoid conflicts of this nature which we do not find in the House of Commons where they have got conventions and precedents to guide them.

Sir PROVASH CHUNDER MITTER: I am glad that my friend has corrected me. I proceed on his corrected version. I have no doubt that Dr. Roy's own feeling——.

Dr. BIDHAN CHANDRA ROY: I find that Sir Provash knows my mind better than I do.

Mr. PRESIDENT: It is quite possible.

Sir PROVASH CHUNDER MITTER: Sir, I was saying that it is easy to imitate the bad qualities of others but it is more difficult to imitate their good qualities. If imitate you will, try to imitate their good qualities and not their bad ones. If you want to be a poet, if you are anxious to be a poet do not think simply by laming your foot you can say "I am a Byron". Because you are a lame man you will not be a Byron. If you follow the bad examples of other countries it will be like trying to lame yourselves and by following the bad examples of other countries you will not get forward nor you will advance the national movement. Mr. Sasmal has referred to a debate in the House of Commons in 1902 but he has omitted to refer the House to another portion of the same debate but the House will find what a statesman of the eminence of Mr. Balfour said. This is what he said:—

And I should say, on the general question that it is the gravest and grossest abuse of the privileges of the House that we should be brought down, that the House should have to assemble, to defend the Speaker against a charge of having given a decision at such a moment and on such a class of question which happens to be distasteful to a certain section of the House. It is manifest if this is to be a precedent for our ordinary practice, if every member of the House who can get a seconder is to ballot for a day in order to discuss whether the Speaker was right or wrong upon some question which in the nature of the case is doubtful, you not only do your best to bring the authority of the Chair into discredit, but you are lowering the whole character of this Assembly. For my own part I should make these observations, and I should vote as I am going to vote, even if I were of opinion that the judgment of the Speaker on such an occasion and in such a case was one which after a week's quiet reflection is one which I should not have adopted myself.

I appeal to my friends opposite to follow the golden advice given by that eminent statesman although he may be a statesman of another country. If you follow this advice there will be one course open to you and that is of withdrawing the motion, but I know that in all

likelihood they will not listen to my advice. But as one who claims to worship in the same temple, the same mother and the same God I deem it my duty to offer that advice although I know full well that my advice will not be accepted and perhaps spurned and spurned with indignation, but none the less I offer this advice because I have the satisfaction of knowing that I have done my duty in tendering what I consider to be good advice.

From newspaper reports I find that my esteemed friend, Mr. Sen Gupta, is reported to have said that the use of the word "shame" is something which is allowable in the British Parliament. Very likely my friend, Mr. Sen Gupta, in the heat of the moment forgot what, I am sure, he knows and remembers, for I find in Sir Erskine May's book the following passage:—

A gross form of interruption, by loud cries of "shame" has been strongly condemned by the Speaker, who declared his intention to take notice of the committal of the offence.

After all what is the motion before the House? What is its object? The object is merely to tell the House that it has the power of removing its President. Every body knows that. Is it not somewhat childish to exercise the power simply because you have got that power? We claim, Sir, that we have attained our political manhood. If we have attained our political manhood, we have got to remember that a man does not use his power simply because he has it just as a child uses a toy. It will be childish on the part of a man to use his power.

Mr. N. C. SEN: I rise to a point of order. Is the hon'ble member in order in using the expression "childish"?

Mr. PRESIDENT: It is for you to decide whether the expression "childish" is to be allowed for the future guidance of Presidents.

Sir PROVASH CHUNDER MITTER: I find some of my friends are feeling somewhat nervous. Perhaps my reasoning has gone home. But let me assure my friends opposite that I do not want to criticise them in an unfriendly spirit. I desire to tell them my personal views in all humility—I do not know whether they will accept my personal views but I offer the same none the less in the discharge of my duty.

My friend, Rai Harendranath Chaudhuri, has said that the dignity of the Chair will be a very necessary thing when we have a free and independent parliament. I hope I am not quoting him wrongly.

Rai HARENDRANATH CHAUDHURI: I did not say that. I said that the dignity of the Chair was secured for the House of Commons when the House of Commons rose to a very independent and not a subservient body. (Hear, hear.)

Sir PROVASH CHUNDER MITTER: I thank Rai Harendranath Chaudhuri for correcting me. The correction makes my point all the more clear. Therefore what does it come to? So long as we do not attain to the dignity of the British Parliament we should allow this House to flout the decision of the Chair—that is I am sure the only logical conclusion. We have a constitution however defective it may be. Those who are in the House, I am sure, are here under the constitution—whether they want to work it or not is a different matter altogether. Is it not reasonable to expect that they should obey and respect the Chair? (Hear, hear.)

I do not think any lengthier remarks are necessary from me. I only hope I have not offended my friends opposite by my criticisms although I can assure them that they are offered in no unfriendly spirit. (Several voices: "No, No. We do not take any notice of your remarks.")

I will sit down by congratulating my friend Mr. Chakravarti for a clear indication of the views of his party and his personal views in this matter.

Mr. J. M. SEN GUPTA: I sincerely wish I could have avoided speaking to-night and I shall say as little as possible on the merits of the motion. I shall not speak on the question that the Hon'ble President had no power to suspend any Standing Order. I shall not speak to-night on the propriety or the correctness or the reversal of a decision given three minutes previously. I shall not speak about the undignified behaviour of the Hon'ble President in compelling a member to repeat what he had not presumably heard. I shall not develop the arguments that the Hon'ble President was acting contrary to all practices in requesting a member to repeat a statement which was inaudible and which the member in question was not willing to repeat, with the deliberate intention of taking stringent measures against him. I shall leave these questions to be dealt with by other speakers. I will not remind you of the President standing there with his body shaking with anger and rage and ask you whether such a spectacle convinces you of the fitness of the Hon'ble gentleman to be the President of this House. But I desire to say a few words on some larger issues which are involved in the question before us. I would ask you not to allow any false issues to be raised. Interested opponents have already raised the cry that the Swarajya party do not care for the dignity of the House. This is merely an attempt to discredit us in the eyes of the world. I and my friends of the Swarajya party in this House wish to assert with all the emphasis we can command that the dignity of the House, the true dignity of the House, is as important to us as to any one else in this assembly. If we are nothing more, we at least know the supreme value of discipline and self-restraint. But do not misunderstand me. In

defending the dignity of the House, if it be necessary to attack any one whose conduct inside the House tends to lower it, I think, I shall not hesitate or shrink from attacking him even if he be the President himself. The present case is an illustration in point, I want to tell you what I felt on Thursday last. I felt that the conduct of the President of the House was thoroughly undignified, that he was looking more to his own personal and false dignity than to the dignity of the House, that his behaviour was that of a child playing with the dignity and prestige of the House. I considered it my duty, representing the party which I have the honour to lead in this House to enter my protest against this and I did so.

My friends opposite will probably say that under our constitution, the House itself is helpless and that the President himself is all-powerful. Must we then sit mute even when we see the House disgraced by the President himself? Is that the constitution? If that is the constitution, so much the worse for it. And if the Swarajya party is struggling to get out of the clutches of such a constitution, how can you be suprised at it?

The House of Commons did not hesitate to lay hands on the Speaker when the House thought that such a course was necessary if the Speaker was remiss in his duty. The future growth of Parliamentary institutions was not impeded by the fact that the members of the House of Commons dealt with their Speaker in that way. The members of the House of Commons did not apologise to that Speaker for dealing with him in that way.

The general rule that the dignity of the Chair must be preserved has no meaning if you allow the President to destroy and undermine the dignity of the House. The very purpose of the maxim is defeated if the dignity of the House is lowered by the Chair and if he is not reminded that he is so doing. There is no dignity of the Chair if there is no dignity of the House.

I will tell you what we want, I want the convention of the House of Commons to be honoured in this House, namely, that the President or Speaker once elected should in reality be a non-party man, that he will sit in his Chair with the goodwill and the unanimous consent of the representatives of the people and that he should be guided by a vote of the House in taking the extreme step of the expulsion of a member.

I will also tell you what we do not want, I do not want a President to remain a party man, propped up with the continuous support of the Government party after election. I do not want a man to be the Speaker of the House who depends for his future on the smiles of the Government. I cannot help not believing the information I received

some time ago that the President had threatened to teach the Swarajists a lesson. I cannot help attaching no importance to the information that he received warm commendations from a high personage for having pulled up Maulvi Nurul Huq Chaudhury on two previous occasions. Again, only recently in connection with affairs concerning the House he gave his word as a gentleman that he would take a certain course. Ordinary courtesy among gentlemen precludes me from disclosing any further details. But such is the strength of the red tape supplied from high quarters that he has had to submit to its imperious pressure. I hope I have not over-stated the circumstances which have made him a partisan President, unworthy to fill the chair of the Speaker. I am sorry to say those circumstances have made him petty. Members must have noticed that of late how time after time the President has, with deliberate hurry, suppressed the asking of supplementary questions by members of this House on my side by deliberately and intentionally calling out the next item on the agenda. I will not multiply instances.

The truth is that we have been saddled with a constitution the backbone of which is Diarchy,—Diarchy not merely in administration but even in the conduct of the President. He knows that so long as he can bask in the official sunshine, he is perfectly safe. That is why he considers himself responsible not to the House as is the case with every assembly in civilised world, but to the Governor who can protect him even from the unanimous vote of the elected members of this House. That is why he can be defiant, that is why he can ride roughshod over the rights of the House, and that is why we desire by this motion to express our disapprobation and condemnation of his conduct

Maulvi EKRAMUL HUQ: There are persons who are apt to make a mountain of a mole hill. So far as we are concerned, I was not prepared to find the leader of the Swaraj party and his comrades making a mountain of a mole hill like this. When the resolution for the removal of the President was first brought forward by Maulvi Saiyed Abdur Rob Chaudhuri and two others I thought it would not be necessary for any of us to discuss that question. But what I find to-day is this: that Mr. Rob has succeeded in stealing away the wisdom of the leader of the Swaraj party and in making the Independents political bankrupts. Sir, what is the question we are to discuss here to-day? It is that of the removal of the President. This is a question of fundamental importance inasmuch as we are here to decide in what relationship the President of the Council is to stand to the members of the House. Is he to be a dancing puppet in the hands of the party that brings him into being—is he to be the creature of the party which commands the majority in the House—is he not to be a free and impartial judge which he ought to be? The Hon'ble Kumar Shib Shekhareswar Ray had experience of the

Council for a period extending to over 12 years and with this experience he sought the suffrage of the House and we, the majority of us, declared him to be the person most fit for that position. Is it not for us—is it not our bounden duty—to see that he is able to preserve the dignity of the position with which we have vested him. It is not for us to see that he is able to exercise all the powers the law has vested in him and we the members of the Council have agreed that he should exercise them. Sir, there are powers which the Government of India Act has given to the President of this Council and what for? Are they to remain dead-letters in the statute book? We wish and we do sincerely hope that these powers ought to have remained as dead-letters but unfortunately there are occasions when the President occupying the Chair has to exercise his power. Sir, such powers are necessary and should necessarily be used whenever they ought to be used. What is it that the President has done? Mr. Sasmal has enumerated several points in which he thought that the President has offended against the wishes of the House. He says that the President should not have allowed Sir Abd-ur-Rahim to move the amendment. Is it not the fact that the President said that he was not going to allow Sir Abd-ur-Rahim to move the amendment and it was only after Sir Abd-ur-Rahim assured him that he did not receive the motion in time and that was why he was late in sending notice of the amendment beforehand that the President was pleased to allow Sir Abd-ur-Rahim to move his amendment; and in this connection I am sure no sensible member of this House will find fault with the President for allowing Sir Abd-ur-Rahim to move his amendment. I think the Hon'ble President has not only done justice to the Muhammadan community but to the European community and other minorities who were concerned with the amendment. Sir, to my mind, when the President was pleased to ask Maulvi Nurul Huq Chaudhury to repeat what he said, the President gave him the opportunity to withdraw the remark which Maulvi Nurul Huq Chaudhuri had made. More than thrice he gave him the opportunity to withdraw, but Mr. Nurul Huq refused to do so. Under the circumstances there was no other alternative but to suspend him. May I ask what would Mr. Sen Gupta have done in his capacity of a Mayor if he were treated in the same way in the Calcutta Corporation? I am sure he would not have tolerated such remarks. He would have done the same thing as the President did. I wish the President had taken no notice of the remarks made by my Hon'ble friend Mr. J. M. Sen Gupta. He said that the President's action was childish. The fresh and boyish look of the Leader of the Swarajya Party suggests that he should make a remark that suits himself well.

Sir, I need not say anything about what our friend Dr. J. M. Das Gupta said. He characterised the ruling of the Chair as insane. Well, it is quite likely that even a Doctor is apt to give the go-by to sanity

for a moment. Sir, what is at the root of all these fireworks in this Council. We are told by persons who know that these fireworks are connected with the general election that is coming on, but I can assure the Hon'ble gentlemen who are sitting on the other side that the country has had good many exhibitions of these fireworks and the people are not now excited by them: they have come to know the persons in their true colours and they know now how to judge matters. They should have quietly accepted Sir P. C. Mitter's advice and dropped the matter. It has been said by Mr. Sasmal that graver consequences might have followed on the occasion, and it has been said by Dr. B. C. Roy that chairs are hurled at each other in Europe. It might be so, but may I ask—are those incidents the mark of Swaraj? If that were so, then let us come to blows and break our heads so that we could go out and say to our countrymen that we are free people to-day. On the other hand, let us remember that we are Indians and we are to be polite. We know the manners and customs of Indians—we are to be polite whether we are Hindus or Muhammadans. But that does not mean that we should be subservient to anybody. Politeness does not mean subservience. So far as we are concerned I remember to have read in my school days: *Az khoda khahem towfill-a-adab—Be adab mahroom gushtary tulf-a-rub.* (We want God to let us have politeness, for a man who does not possess this does not deserve the blessings of God.) And I believe these are the teachings of the Hindu religion as well. We ought to behave ourselves very politely and I do hope that the Chairman cannot but be polite to the members. I should say this much that the President of the Council was a critic of Government for more than 10 years but now that the mantle of office has fallen on him he knows what he ought to do. He knows that he cannot be a party man; he knows that he cannot but give just rulings although they may be palatable to some and unpalatable to others. But should that be any reason that we should challenge his rulings and ask for his removal? Let us hope that this House will demonstrate to-day that this is not so. Sir, I would like to conclude. If an appeal is necessary, I would appeal to the House in the name of propriety and decency and in the interest of the dignity of this House, and I hope I shall not be appealing in vain, to treat this resolution with the contempt it deserves.

Here Babu Sarat Chandra Basu rose to speak.

Mr. PRESIDENT: It is perhaps time that the debate should be brought to a close. I think I can appeal to the members of this House to spare my feelings now. I think we have had enough of discussion on this matter.

Mr. B. N. SASMAL: I have not much to say in reply. I shall begin with my friend Maulvi Ekramul Huq—I shall begin from the end. (A

VOICE: The beginning of the end.) He has said that we have brought this resolution for the removal of our President because of the general elections that are coming on. I can assure my hon'ble friend that without this resolution or similar resolution in this House we feel confident that the country is at our back, and I can assure the outside world that no canvassing of any kind would be necessary inside the House for capturing the votes outside, and as an instance I might ask my hon'ble friend to look to the election results in the district of Midnapore. We have captured there 77 seats out of 78 and that has been done without this resolution being moved here.

Sir Hugh Stephenson has said—although he has subsequently withdrawn his words—he has said in effect that we have brought this resolution because five of our members were suspended by the President. I repudiate the suggestion made by Sir Hugh Stephenson and I assert that the suggestion is contemptuous and mean. So far as I am concerned—and I might most respectfully inform the House that I occupy the position of a President in an important District Board of Bengal—so far as I am concerned I might inform the House that my respect for the President is no less than the respect which Sir Hugh Stephenson professes to possess for him. We have brought it because we found that there was no other means to vindicate our right. We have been given the right of freedom under the Act and that freedom is restricted so far as the Governor of the province and certain others specifically mentioned in the Act are concerned. In our speeches, therefore, we are not restricted by the Act to criticise the conduct of our President. The conduct of the President cannot be criticised or rather the right of our criticism is limited by the words "grossly disorderly". It is then and then only that the President can interfere, otherwise he has no right under the Act. I have always thought and I shall be thinking for all future times to come that the twelve words which my friend Maulvi Nurul Huq Chaudhury used could not by any stretch of imagination be considered as grossly disorderly. If the pricking of vanity of a personal character means disorderly conduct, certainly I am prepared to admit that it was. But I am sure the words "disorderly conduct" have no reference to the personal vanity of the Speaker and have no reference whatsoever to the pricking of vanity of the person who occupies the position of the Speaker of the House of Commons. The words "grossly disorderly" refer to the actual performance of duty of all of us inside the Chamber and from that point of view that was no obstruction on the part of my friend Maulvi Md. Nurul Huq Chaudhury or on the part of Dr. Kumud Sankar Ray or on the part of the leader of the Swaraj party, and from that point of view whatever might be said with regard to the other incidents, the order of suspension of these three members was certainly in my opinion without any justification at all, and so this resolution has been brought.

In concluding I repeat, and I am emboldened to repeat, that the speech of Sir Hugh Stephenson has convinced me that it is he and his party who have stood in the way of an amicable settlement. There were whispers here, there and everywhere but his speech proves conclusively which way the wind blows, and it is unfortunate and it will remain unfortunate as long as this sort of things can happen. The Chairmen of District Boards are vilified by Subdivisional Officers and Superintendents of Police for their conduct.

Mr. PRESIDENT: Order, order. You ought not to be carried away by your feelings. You must confine your remarks to the point under discussion and not mention what happens in Midnapore.

Mr. B. N. SASMAL: I abide by your ruling (applause), but I did not use the word "Midnapore" at all. There is none to guard the dignity of those chairs in the mufassal, but when the conduct of the Chair here is in the humble opinion of some of us not really dignified then of course Sir Hugh Stephenson, the leader of the House, and his party step in to guard its dignity.

[At this stage the Council was adjourned for 10 minutes.]

(After the adjournment.)

Babu SARAT CHANDRA BASU: Kindly allow me to protest that I have not been permitted to speak.

Mr. PRESIDENT: You are most welcome to speak.

Babu SARAT CHANDRA BASU: I am very thankful to you for permitting me to speak and before I do so I make my humblest obeisance to the gentleman that occupies the Chair, specially the Brahmin President to whom I give my deep *pronams*. I am sorry that we have at all met to-day to discuss the question in a spirit that does not befit the occasion. There is not the slightest doubt amongst any one of the members of the House that what had occurred on Thursday last was a regrettable one. There cannot be the least doubt that we meet here in an associated body with rules to govern the proceedings of such an association as the Legislative Council of Bengal. It goes without saying that the proceedings must be conducted in an orderly way and in accordance with the rules prescribed. It also goes without saying that order must be kept and the President must be in a position to keep order and prevent any disorderly proceedings. About these things there cannot be any difference of opinion. But leaving the particular incident that happened on Thursday last about which I am not in a position to speak as I was not present on the occasion but information about which I got from the newspapers and

heard from my friends here, I am not going to discuss the merits or demerits of the gentlemen of the House concerned or of the movements of the President on that matter. What I must say is that we cannot for a single moment forget that there is such a thing in this world as a sense of proportion. There might have been disorder or disorderly conduct I do not know whether that was so; it may or may not be so. What we are concerned with is the question whether the conduct of any one of those gentlemen concerned was grossly disorderly. There are gentlemen within the precincts of this House who assume a very high sense of the propriety that is to be observed by the members of the Council. There is no doubt that it is a very laudable desire but at the same time whether the particular rule which arms the President with power to order gentlemen to withdraw from the Council chamber is susceptible of those orders is another question. Disorderly conduct should not be met with an order to withdraw unless that conduct is "grossly disorderly". What I mean to say is this: Has anybody in the speeches that have been delivered to-day attempted to show that what has been done by Maulvi Nurul Huq Chaudhury could be said to be disorderly, much less grossly disorderly? We have got one gentleman, the redoubtable knight of Hooghly, I believe it was he who said that the conduct of Maulvi Nurul Huq Chaudhury was disorderly and that the President's verdict about the allowance of the amendment was a proper one. I wish to enter a protest against that. I have already submitted my representation in that respect; that stands for discussion at a future period I hope, but I am not going to take up your time by discussing that matter now. (Hear, hear.) But what I mean to say is that we must not forget that once the train of proceedings goes a little out of the metal, a crash comes on, and I submit and I submit respectfully that your ruling could not be said to be in conformity with the law, and that if any member who was not on his legs but in his seat said that your ruling was arbitrary, I submit that such a remark, although it might have been improper, should not have caught your ears. You could not catch the words as the proceedings show, although the redoubtable knight of Hooghly with his long ears succeeded in catching them. I submit that after you had asked him to repeat what he said and he did not, you wrung the words out of him, which shows the unwillingness on the part of the member to repeat what he said. It also shows that the words were not meant for your ears and that he regretted them.

My point is this, my Lord, (laughter) that such conduct cannot be said to be grossly disorderly and therefore without taking the right proportion of things your order in asking him to withdraw was more drastic than the occasion needed. But what I mean to submit on this occasion is this: we need not discuss these things (laughter) but what we want to discuss is whether that day's proceedings are such as ought to have at all taken place. I do not like one part of the proceedings

on the part of the Chair; nothing ought to have happened—that is my humble submission. We know that you are vested with the power of keeping control and that it is your duty to exercise that power, but you should not have forgotten for one single moment that to keep control over the members of this House the President must always be prepared and ready to control himself. (Hear, hear.) Unless he does that he can neither control them nor command their respect; in many cases very serious and disastrous consequences come from very small causes, the reason being that people usually forget the sense of proportion. That I was extremely glad to learn up to yesterday that oil was being poured over troubled waters and that there will be——

Mr. PRESIDENT: I should like to draw your attention to the fact that you are giving us a repitition of old arguments which I cannot permit.

Babu SARAT CHANDRA BASU: I have no wish to speak any longer so as to avoid being called to order. But I must protest against these attempts to hush me from the begining.

Dr. H. W. B. MORENO: I move that the question be now put.

The Hon'ble Sir HUGH STEPHENSON: I do not desire to speak any more.

The motion of Mr. B. N. Sasmal was then put and a division claimed.

Mr. H. S. SUHRAWARDY: I rise to a point of order and it is this that you do not preside over the division.

Mr. PRESIDENT: I have heard your point of order and I decide against it.

Mr. H. S. SUHRAWARDY: On a point of procedure—

Mr. PRESIDENT: Order, order. I would request the members earnestly not to practise any canvassing, pulling and dragging of members inside the Council Chamber. I hope the leaders of the parties will see that my request is acceded to.

Mr. J. M. SEN GUPTA: I do not think that that advice was at all necessary so far as this part of the House is concerned.

Mr. PRESIDENT: I think you are quite justified, because I always found you to be quite orderly.

A division was then taken with the following results:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zanner.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Soreda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Hasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray, Babu Manmatha Nath.
Roy, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Chaudhuri, Babu Sailaja Nath.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinirenjan.
Sasmal, Mr. S. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Ali, Mr. Altaf.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chakravarti, Mr. Syamkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Corcoran, Mr. B. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Dosa, Rai Bahadur Pyari Lal
Drummond, Mr. J. G.
Dutt, Mr B. S.
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Law, Raja Rochee Case.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Mazik, Mr. Syed M.
Mitter, Sir Provash Chunder.
Morene, Dr. H. W. B.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Pahlowan, Maulvi Md. Abdul Jubbar.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Raikat, Mr. Prasanna Deb.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Kshaunish Chandra.

Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilall Singh.
Sarkar, Maulvi Allah Bukhsh.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Dr. A.
Travers, Mr. W. L.
Wilson, Mr. R. B.
Woodhead, Mr. J. A.

The Ayes being 57 and the Noes 72 the motion was lost.

Mr. PRESIDENT: The maintenance of the dignity and honour of the Chair, as also of the privileges of the members of this House is the first and foremost duty of the President. However unpleasant this duty may become on occasions, no President can shirk from performing it, and it is a matter of sincere gratification to me that the House as a whole stands by its President to-night in the action which the responsibility of his not very pleasant office had led him to take on Thursday last.

Gentlemen of the Council I offer you my most grateful thanks for upholding the dignity of the House as also of its President. (Hear, hear.)

I understand that the Government do not propose to bring forward the Bills to-day, I therefore pass on to the demands for grants.

GOVERNMENT BUSINESS.

Demands for grants.

8 A.—Forest Capital outlay charged to Revenue.

MEMBER in charge of DEPARTMENT of REVENUE [FORESTS] (the Hon'ble Nawab Bahadur Saiyid Nawab Ali Chaudhuri, Khan Bahadur): I gave notice of this motion as it was at first thought that a new demand must be made because of the division of expenditure on Forests under two heads. I now understand that this motion is unnecessary for account purposes and I therefore beg leave to withdraw it.

The following motion was then, by leave of the Council, withdrawn:—

"That a sum of Rs. 50,000 be granted for expenditure under the head '8A.—Forest Capital outlay charged to revenue'."

22.—General Administration.

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): On the recommendation of His Excellency the Governor I move that a sum of Rs. 64,000 be granted under

the [illegible] '22.—General Administration" on account of salaries for the actual periods of work of the Ministers who resigned owing to the total refusal of their salaries by the Council.

Mr. PRESIDENT: There is a good deal of noise in the House and I would ask the members to give Sir Hugh Stephenson a patient hearing.

Mr. A. C. BANERJEE: Sir, there is a good deal of conversation going on on the other side of the House and I hope that the remarks apply to them too.

Mr. PRESIDENT: When I address the Council I address the whole House and not Mr. A. C. Banerjee in particular.

The Hon'ble Sir HUGH STEPHENSON: In moving this grant I do not propose to make a speech. The motion is made in accordance with a resolution passed in this House. At the time when the resolution was passed I told the House that it would be necessary to bring this motion for a grant to carry out the resolution. As a matter of fact we could have found the money otherwise but I thought it right that as the House passed the resolution I should place this grant before the House. I do trust that if there is any discussion on this grant, we shall not re-open the whole past history and discuss the whole thing from the begining. The House passed a resolution which, I understand, was consented to by all parties that this money should be paid. It is for the House to grant the money and I hope they will do so without further discussion.

Babu KHAGENDRA NATH GANGULY: I move that the demand of Rs. 64,000 under the head "22.—General Administration" be reduced by Rs. 52,000.

Babu AMULYA DHONE ADDY: I move that the demand of Rs. 64,000 under the head "22.—General Administration" be reduced by Rs. 16,000.

It will appear from the Government of India Act that the salary of the Ministers should be the same as that of the Hon'ble Member of the Executive Council unless it is reduced by this Council. Therefore the question is as to what should be the reasonable salary of the Hon'ble Minister. I think, Sir, it should be in accordance with the state of the finance of this Government. We all know that we have already been overburdened with heavy taxation. We all know that in order to meet the deficit of our budget we have been under the painful necessity of passing taxation Bills under which we have been obliged to materially increase the rates of stamp and court-fees and we have lately increased the rate of registration fee and we all know that owing

lack of funds we have not been able to provide for adequate supply f drinking-water in the mufassal and that we have not been able to ncourage primary education, agricultural education, medical educa-ion, commercial and industrial education in Calcutta as well as in ther parts of Bengal. Therefore I think it is advisable to fix such salary which may be in accordance with the state of our finances, t the same time it should be such as may be consistent with the ignity of the post. Therefore, Sir, I am of opinion that it should e fixed at Rs. 4,000 per month instead of at Rs. 5,333 as suggested y the mover of this grant. It should not be more than Rs. 4,000 ecause even the salary of an Hon'ble Judge of the High Court of Cal-utta is not more than Rs. 4,000 a month. It should not be less than ts. 4,000 because the salary of the Member of the Board of Revenue Rs. 3,500, that of the Divisional Commissioner Rs. 3,000, that of the ecretaries of the several departments of the Government Rs. 2,750 and hat of the Chairman of the Calcutta Improvement Trust Rs. 3,000 and it ay be said that the pay of the Chief Executive Officer of the Cal-utta Corporation is Rs. 1,500 but I must say that this salary is too w for the duties which have been entrusted to him. I am therefore f opinion that Rs. 4,000 should be the proper salary of the Hon'ble Minister and specially as he is not allowed to carry on his profession r business and it will appear from the report of the Reforms Enquiry Committee that the minimum salary of this post should be Rs. 3,200 month and further it appears from the report of those members who ave signed the Minority Report that that should be the minimum alary. Under these circumstances, having regard to the dignity of he office, having regard to the state of finance, I am strongly of pinion that the salary should be fixed at Rs. 4,000 and I recommend he proposal for the consideration of this House.

The following motion was called but not moved:—

"**Babu HEMANTA KUMAR SARKAR** to move that the demand or Rs. 64,000 under the head '22.—General Administration' be educed by Rs. 16,000."

Mr. A. C. BANERJEE: With regard to this motion I should like o say just a few words because I know that capital has been made, olitical capital has been sought to be made of the fact that we over-hrew the two Ministers who happened to be Muhammadans. It has een stated outside the House——

Mr. PRESIDENT: Mr. Banerjee, what has been stated outside he House is not relevant inside the House. Will you please try and efrain from referring to that?

Mr. A. C. BANERJEE: Very well, Sir. It has been stated that ve dethroned them from their office because of the creed of these two

gentlemen, because they were Muhammadans. That is not the fact. Are we not going to vote for their salaries to-day? What we opposed to was that they should carry on the dirty work of Ministers. But they having done the work we are going to pay for their labour as every labourer is worthy of his hire. By our vote we demonstrated on a previous occasion that we were in favour of their salaries being paid. If they were Hindus or Christians we would have done exactly the same thing. There is not the least justification for the assertion which has been made that they were overthrown because they were Muhammadans and I am perfectly certain having voted in favour of a resolution for giving them their salaries we shall vote in favour of the motion to-day: for after all we are gentlemen on this side of the House at all events and as gentlemen knowing that we possess power will not abuse it.

Babu SARAT CHANDRA BASU: May I rise to a point of order. It has been decided only recently —

Mr. PRESIDENT: Mr. Basu you know the rules of the House You cannot make a speech on a point of order. What is your point of order?

Babu SARAT CHANDRA BASU: It is this: that when a grant has been made it should not be rediscussed in Council.

Mr. PRESIDENT: You are quite wrong Mr. Basu.

Babu SARAT CHANDRA BASU: In that case I exhort the gentlemen of the House to do what they have done once. They have granted the salaries of those two Ministers and they should not resile from that position now.

The Hon'ble Sir HUGH STEPHENSON: I sympathise with Mr. Addy because I understand that he has never got the opportunity of getting a resolution of his own discussed in the Council. But I do think that he might have kept his observations of this afternoon till the Budget debate. I think the House will agree with me that this is not the time to raise the question of what is or what is not the right salary for a Minister. The House has expressed, as Mr. Banerjee said, its intention of giving them their past salaries. I therefore ask the Council to pass the grant.

The motions of Babu Khagendra Nath Ganguly and Babu Amulya Dhone Addy were then put and lost.

The following motion was then put and agreed to:—

> "That a sum of Rs. 64,000 be granted under the head '22.—General Administration' on account of salaries for the actual period of work of the Ministers who resigned owing to the total refusal of their salaries by the Council."

60.—Civil Works not charged to revenue.

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. J. Donald: On the recommendation of His Excellency the Governor I move that a sum of Rs. 9,56,000 be granted under the head "60—Civil Works not charged to revenue".

Sir, this is purely a matter of account. The House voted this money for the construction of police buildings and as I told the House before instead of being a charge to revenue it should be a charge on capital. This motion is intended to change the debit from revenue to capital. This amount will be met by a loan. The expenditure has been going on and instead of meeting it out of our revenues we are now going to meet it out of the loan which we will get from the Government of India.

Maulvi ASIMUDDIN AHAMAD moved that the demand of Rs. 9,56,000 under the head "60.—Civil Works not charged to revenue" be refused.

The following motion was called but not moved:—

"**Babu BORODA PROSAD DEY:** That the demand of Rs. 9,56,000 under the head '60.—Civil Works not charged to revenue' be reduced by Rs. 4,78,000."

The Hon'ble Mr. J. DONALD: I would just like to say a word. If my motion is not carried, the money will be debited to revenue instead of to loan. The Council will remember that it agreed that this money should be met by loan and not from revenue. So if my motion is not carried, the money will merely be a charge on our revenues instead of a loan.

Maulvi Asimuddin Ahamad's motion was then put and lost.

The motion that a sum of Rs. 9,56,000 be granted under the head "60.—Civil Works not charged to revenue" was then put and a division taken with the following result:—

AYES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ahsanullah, Mollah.
Ali, Maulvi Sayyed Sultan.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. N.
Chowdhury, Maulvi Fazlal Karim.
Cooper, Mr. C. G.
Corcoran, Mr. S. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Dom, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghaznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.

Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Pahlowan, Maulvi Md. Abdul Jubbar.
Philip, Mr. J. Y.
Rahim, Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Sarkar, Maulvi Allah Bukhsh.
Sen, Mr. N. C.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Wilson, Mr. R. S.
Woodhead, Mr. J. A.

NOES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannor.
Bagchi, Babu Romes Chandra.
Banerjee, Dr. Framathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Bereda Prosad.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Mr. Mahbubul.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rosshid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Bazar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Nem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Roy, Dr. Kumud Sankar.
Roy, Babu Manmatha Nath.
Ray, Babu Satcowripati.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Chaudhuri, Babu Sailaja Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. S. N.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Suhrawardy, Mr. H. S.
Taraffdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

The Ayes being 65 and the Noes 50, the motion was carried.

Loans and Advances.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. J. Donald): On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 15,00,000 be granted for expenditure under the head "Loans and Advances", being the first instalment of a loan of Rs. 50 lakhs to be advanced to the Port Commissioners, Chittagong, for the development of the port.

This demand is the result of the resolution passed in this Council on the 17th of August last on the motion of Maulvi Nurul Huq Chaudhury. It has been explained in the Memorandum which has already

been circulated to members of this House. It is really a loan from the Government of India to be given to us for the development of the Port of Chittagong. We do not stand to lose by this: we only guarantee the payment of interest charges. And further there is a great likelihood of this port becoming within a very short time a major port when it will be taken over by the Government of India and we shall be recouped for any expenditure incurred. I do not propose to say more on the point as the matter was thoroughly discussed in August last.

Babu AMULYA DHONE ADDY: Sir, I beg to support this motion, but at the same time I beg to make one suggestion for the favourable consideration of the Hon'ble Member. It appears that the main terms on which the loan will be taken by the Government of Bengal are as follows: The loans are for 60 years and the payment of interest and sinking fund charges by the Port Commissioners will be deferred for 10 years and the interest will be paid by the Port Commissioners on the expiry of that period. Thus it appears that the Government of Bengal shall have to pay interest to the Government of India for 10 years continuously and taking the interest at 5 per cent. per annum on Rs. 50 lakhs, it will be Rs. 2½ lakhs per annum for 10 years, which will amount to 25 lakhs. I admit that under the terms of the loan the Port Commissioners shall have to pay this amount to the Government after 10 years, but I beg to submit that for a period of 10 years this Government shall have to pay interest at the rate of Rs. 2½ lakhs. Sir, it is the Government of India which is vitally interested in the improvement of the Port of Chittagong, as the customs duty which is realised by Government goes to the coffers of the Government of India and not to those of the Government of Bengal. For a period of 10 years the provincial Government shall have to pay interest at the rate of Rs. 2½ lakhs per annum amounting to Rs. 25 lakhs. I admit that the Port Commissioners of Chittagong shall have to repay it after 10 years, but at the same time having regard to the several requirements of this Government for the improvement of sanitation and encouragement of education, it will be a source of great hardship on us if we are called upon to pay interest of Rs. 2½ lakhs per annum for 10 years. As I have already said, it is in the interest of the Government of India to improve the Port of Chittagong, and so we may make a representation to the Government of India to relieve us of this interest. I do not object to this motion, at the same time I make these suggestions for the consideration of the Hon'ble Member.

The Hon'ble Mr. J. DONALD: I should first like to say that it is not a case of putting down Rs. 25 lakhs. It is Rs. 2½ lakhs a year spread over 10 years. But as I said it is more than likely that within a few years—it may be next year or the year after—this port

may become a major port, and the Bengal Government will get back from the Government of India the amount of the loan taken up-to-date with any interest that has been paid.

The following motion was then put and agreed to:—

"That a sum of Rs. 15,00,000 be granted for expenditure under the head "Loans and Advances", being the first instalment of a loan of Rs. 50 lakhs to be advanced to the Port Commissioners, Chittagong, for the development of the port."

Adjournment.

The Council was then adjourned till 3 o'clock on Thursday, the 25th February, 1926, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 25th February, 1926, at 3 P.M.

Present:

The Hon'ble the President (Kumar SHIB SHEKHARESWAR RAY) in the Chair, the four Hon'ble Members of the Executive Council and 113 nominated and elected members.

GOVERNMENT BUSINESS.

Government Bills.

The Calcutta Port (Amendment) Bill, 1926.

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. Donald): I beg to introduce a Bill further to amend the Calcutta Port Act, 1890.

This Bill is intended to give effect to a recommendation of the Deck Passengers Committee who recommended that shelters for deck passengers should be constructed at ports where there is a regular passenger traffic of any extent and that where Port Trusts exist, the erection of suitable structures should be made a liability of the Port fund. The Bill which I introduce is intended to give the Port authorities of Calcutta the power to utilise these funds for the erection of shelters for the protection of deck passengers.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. J. DONALD: I beg to move that the said Bill be taken into consideration.

Dr. PRAMATHANATH BANERJEA: I rise to make an inquiry of the Hon'ble Member in charge of the Bill. I understand that Mr. Donald wants to introduce a Bill for amending the constitution of the Calcutta Port Trust. Would it not be desirable to take up this question along with the question which has just at present been raised before the Council? The introduction of a consolidated Bill will be of great help. I therefore make the suggestion that instead of bringing in piecemeal legislation the Government should bring forward a consolidated measure to amend the constitution and to make such other changes in the Calcutta Port Act as may be thought necessary.

Babu BORODA PROSAD DEY: The Bill as introduced is quite a small one and appears to be a movement in the right direction because it only provides for shelters to be erected for the benefit of the passengers, but what I want to inquire, and what I cannot understand is this that when certain resolutions were sent in in connection with the affairs of the Calcutta Port Trust, those resolutions were disallowed on the ground that it was a concern not of this Government, but of the Government of India; certain questions were also disallowed on the same ground. So I cannot understand that if it is a concern of the Government of India and not of the Government of Bengal, how can this Bill be introduced in this Council.

The Hon'ble Mr. J. DONALD: I see no reason for deferring this and delaying it pending the introduction of a Bill for amending the constitution of the Calcutta Port Trust. This is a different matter and intended only to carry out the recommendations of the Deck Passengers Committee.

As regards the point raised by Babu Boroda Prosad Dey the reason why this matter is brought in this Council is that legislation with regard to the Calcutta Port is so far a matter for the Bengal Legislative Council . The Act is a Bengal Act and it is therefore for us to amend it.

The motion that the Calcutta Port (Amendment) Bill, 1926, be taken into consideration was then put and agreed to.

The Hon'ble Mr. J. DONALD: I beg to move that the Calcutta Port (Amendment) Bill, 1926, be passed.

The motion was put and agreed to.

The Calcutta Municipal (Amendment) Bill, 1926.

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur, of Nadia): I beg to introduce a Bill further to amend the Calcutta Municipal Act, 1923.

The Secretary then read the short title of the Bill.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Before I move this motion I beg to inform you that all the members except Mr. Barton have communicated their consent to serve on the Select Committee. Mr. Barton I hear is lying ill in hospital. I ask your permission, Sir, to exclude Mr. Barton's name from my motion.

By the leave of the Council, the name of Mr. H. Barton was excluded from the motion.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I beg to move that the said Bill be referred to a Select Committee consisting of Mr. J. G. Drummond, Mr. D. J. Cohen, Mr. F. E. James, O.B.E., Maulvi Abdur Raschid Khan, Sir Abd-ur-Rahim, K.C.S.I., Mr. H. S. Suhrawardy, Babu Debi Prosad Khaitan, Babu Jatindra Nath Basu, Raja Reshee Case Law, C.I.E., Rai Harendranath Chaudhuri, Babu Amulya Dhone Addy, Mr. A. C. Banerjee and the mover, with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Calcutta High Court has recently ruled in the case of Ramgopal *vs.* Corporation of Calcutta, that the Corporation constituted under Bengal Act III of 1923, has no power to take proceedings in respect of breaches of the building regulations committed before that Act came into force. This decision is based on the fact that there is no provision in the new Act substituting the present Corporation for the General Committee which under the repealed Bengal Act III of 1899, was entitled to initiate such proceedings. As a result of this ruling, the Corporation is powerless to take proceedings in over 200 cases in which serious infringements of the building rules were committed when the old Act was in force. The Bill proposes to take power for the Corporation to initiate or continue proceedings not only in respect of breaches of building regulations but for any breach of the repealed Act of 1899. For the purpose of such legal proceedings and of all matters incidental thereto, it is necessary that the powers and duties of the General Committee and of the Chairman under the old Act should vest in the Corporation and the Chief Executive Officer, respectively. As a necessary sequel it is proposed to validate the re-institution of magisterial and other proceedings which may have been disposed of on the strength of the High Court judgment referred to. This power of the Corporation to initiate proceedings has, however, been limited to a period of six months from the passing of the Bill.

The Corporation should also have power to deal with applications for abandonment of acquisition under the old Act and to fix the amount of the exemption fee as required by section 35 of that Act. It is, therefore, proposed to vest the Corporation generally with the powers and duties of the General Committee under the Act of 1899 in respect of all matters whatsoever which have arisen under the provisions of that Act.

I would therefore commend my motion for the acceptance of the House.

Maulvi SAYEDUL HOQUE: I beg to move, by way of amendment, that in the motion of the Hon'ble Maharaja Bahadur of Nadia after the name of Mr. A. C. Banerjee the following names be inserted, namely:—

"Maulvi Md. Nurul Huq Chaudhury,
Maulvi Wahed Hossain,
Babu Naliniranjan Sarker,
Mr. Kiran Sankar Roy,
Mr. Nirmal Chandra Chunder,
Maulvi Asimuddin Ahamad,
Maulvi Rajibuddin Tarafdar,
Maulvi Sayedul Hoque,
Babu Bejoy Krishna Bose."

In putting this amendment I have nothing more to say except that when any official Bill is introduced in this House we often hear that these Bills are not to be taken into consideration, but the question is whether it is a piecemeal Bill or a big Bill. My position is this whenever necessity arises for any kind of Bill to be introduced in this Council, whether it be piecemeal or any other kind of Bill, our misfortune is that we meet with opposition from the Government side. With these words I beg to commend my motion to the acceptance of the House.

The Hon'ble Sir HUGH STEPHENSON: I rise to oppose the amendment on the question of principle. I think, Sir, we are all agreed that the present practice with regard to Select Committees is very unsatisfactory. The object of a Select Committee is that it should be a committee of this House to examine a Bill on behalf of the House, not putting forward a particular line of policy or representing a particular party, but it should be a Committee to examine the Bill on behalf of the whole House. The Select Committee's report has no validity; it is merely a report to the House and it has to be eventually decided by the House whether the views of the Select Committee shall be maintained or not. Now, Sir, if that is the position, the Select Committee ought to be a microcosm of the House; it ought to represent in itself on a small scale the composition of the House. I understand that in the House of Commons, Select Committees are appointed more or less automatically, that is to say, the number of the Select Committee is determined by the Member of Government introducing the Bill, and the composition of the Select Committee as so determined is automatically in accordance with the composition of the House, that is to say, that on a Select Committee of 20 so many members shall be drawn from the Conservative party, so many from the Liberal party and so many from the Labour party, in accordance with actual composition of the

House. When the number is decided, the Whips of each party send in the names of those who they desire to serve on the Committee. Therefore there is no difficulty whatever in forming Select Committees in the House of Commons. I have already mentioned this question to you, Sir, and I am hopeful that with your assistance we will be able to devise some method in this Council of arriving at Select Committees on an automatic system. The present position, as I said, is unsatisfactory. So far as Government Bills are concerned we do endeavour to consult the Whips of the various parties and take their advice as to what members of those parties shall be put down on any particular Committee, and we endeavour to put on the Select Committee people who have some knowledge or interest in the subject. Then we come into Council with our proposals for Select Committee and are immediately met by a large number of amendments suggesting that several gentlemen should be added which places us in a extremely embarrassing position. We have no objection to the individuals and we would welcome any help of the individual mentioned. It is exceedingly embarrassing to us to have to get up and oppose the admission of anybody to a Select Committee, and so far we have always accepted the nominations made in this Council. But the practice, I think, is rather growing; an individual member of the House feels a desire to come upon a Select Committee, he is diffident about proposing himself and he therefore proposes 4 or 5 other names generally people of his own party and suggests that the whole of them should be put upon the Committee. In this particular instance we have a Select Committee proposed by Government of 14 members, and the mover of this amendment proposes to add himself and 9 others. That makes the Select Committee almost unmanageable for a Bill of this kind. As I say, there is no particular advantage in having a large number of one particular party on the Select Committee because it is not the Select Committee who decides on the Bill, it is the House and all we want on the Select Committee is a representation of all the views of all sections of the House, and one member is quite competent to represent those views on behalf of his particular party.

Pending the possibility of arriving at some automatic arrangement which will commend itself to the House generally, I think that I ought to take this opportunity of protesting against this growing practice and opposing his amendment to add to the number of this particular Committee.

Babu BEJOY KRISHNA BOSE: So far as the present Bill is concerned, I do not think that a Select Committee consisting of even 14 members is necessary for the consideration of the subject. The Bill is for the purpose of an amendment of a particular section of the Act, and I do not think the labours of the Select Committee will take more than half an hour in coming to a certain decision. As to what Sir Hugh Stephenson said about the composition of Select Committees, it was

very interesting undoubtedly, but as it is a general question which has no application to the present case—which is a very very small matter —I need say nothing at present. I do not think Maulvi Sayedul Hoque will be justified in pressing his amendment. It is a small matter and would not take more than half an hour. The Corporation discussed this matter, so did the Estates and General Purposes Committee, and we came to a certain conclusion, and the Government Bill is on the lines of the recommendation of the Calcutta Corporation. There is no question of principle involved. This Bill is for the purpose of enabling the Corporation to take action with regard to certain matters in which a certain department of the Corporation is finding difficulty in carrying out certain measures.

Therefore, I do not think that my friend the Maulvi Sahib should press his amendment.

Dr. BIDHAN CHANDRA ROY: With regard to what Sir Hugh Stephenson has said regarding the personnel of the Select Committees, I find on looking at the names of the 14 members suggested, 9 belong to the Government block, so that unless you do have in this Council separate parties with a definite party programme, I do not see how the procedure which he has mentioned with regard to the House of Commons can be followed in this Council. It is therefore unnecessary to speak on this as a general question of principle. It is, however, necessary sometimes for members of this side of the House to safeguard their interests and get sufficient representation as one of the biggest and well chosen parties in this Council—I mean the Nationalist party—on this side of the House, and therefore, until Sir Hugh Stephenson can show on what basis he is getting the different members of this House, whether he will include the Liberal and non-official European block and the Government block in one group or whether he would put them in different groups, I do not see how that principle can be worked.

Dr. H. W. B. MORENO: I am inclined to support the amendment of the Maulvi Sahib. I do not find that the Swaraj party group in this House has been properly represented on this Committee, for looking down the list I find a solitary name representing that party, while Government is strongly represented. We are told that we should arrive at some definite settlement with regard to the representation of Parties on such committees; unless and until this is done we should insist on including the names of those gentlemen who are interested and who signify their assent in writing that they are willing to serve on the Committee. I say this because I find very inadequate representation of the Swaraj party on the Committee for this Bill. I like to be fair to my opponents, however much I may oppose them in this Council in other matters. I, therefore, cordially support the amendment of Maulvi Sayedul Hoque.

One word more, I am glad to notice that a member of the Anglo-Indian community was originally included by the Maharaja on this Committee though illness has debarred him from continuing on the Committee. It is a tardy recognition by the Maharaja of the rights of Anglo-Indians, to shoulder the responsibilities of office, along with the other communities of the province.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: I have little to add to what has been said by Babu Bejoy Krishna Bose who has met all the arguments of the other side. It has been argued that the Swaraj party has not been fully represented; but as a matter of fact, I must say, that this Bill is on the lines of the recommendation of the Calcutta Corporation where the Swaraj party is in the majority, and this Bill also represents their views. I do not think there is any reason for this amendment, and I therefore oppose it.

The motion of Maulvi Sayedul Hoque was then put and lost.

The following motion of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia was then put and agreed to:—

"That the Calcutta Municipal (Amendment) Bill, 1926, be referred to a Select Committee consisting of Mr. J. G. Drummond, Mr. D. J. Cohen, Mr. F. E. James, O.B.E., Maulvi Abdur Raschid Khan, Sir Abd-ur-Rahim, K.C.S.I., Mr. H. S. Suhrawardy, Babu Debi Prosad Khaitan, Babu Jatindra Nath Basu, Raja Reshee Case Law, C.I.E., Rai Harendranath Chaudhuri, Babu Amulya Dhone Addy, Mr. A. C. Banerjee and the mover, with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

Government Resolution.

MEMBER in charge of DEPARTMENT of PUBLIC WORKS [RAILWAYS] (the Hon'ble Mr. J. Donald): I beg to move that this Council recommends to the Government that they do authorise the Railway authorities to make provision in the structure of the Bally Railway Bridge to allow for the construction of roadways for ordinary vehicular and foot traffic, at a cost not exceeding Rs. 10 lakhs.

I do not imagine, Sir, that the members of this House will have forgotten the resolution which I moved in the last session of this Council, or the fate of that resolution. Since the last debate on the subject there has been a good deal of discussion, and the Calcutta Corporation, the Calcutta Improvement Trust and other bodies have passed resolutions favouring the proposal and urging its adoption. At the same time we

have received a request signed by many representative members of this House asking that in view of these facts the matter be again placed before the Council. It would not be proper to ignore these insistent representations, and for that reason I am bringing this case before the House again to-day. It will be observed that the resolution which I put forward to-day is somewhat different to that which I put forward on the last occasion. It is now limited to the immediate commitment which need be entered into. The Railway authorities are going to build a railway bridge across the river Hooghly at Bally. The structure of the bridge can be so designed that in addition to railway tracks facilities can be provided for the construction of roadways and footpaths. The Railway authorities are going to build the bridge for railway purposes. I do not know what that bridge will cost them, but whatever the sum may be, an additional Rs. 10 lakhs will enable them so to design it that whenever we desire to do so, we can provide roads and footpaths. It can be so designed that it will be possible to make two roads or pathways whenever we desire to do so. I think it will be readily understood that the extra weight which would be involved by the new roads and their users requires a much stronger bridge than that necessary for carrying purely railway tracts. Piers and girders, for example, would require strengthening, and if members of the House will look at the plans I have hung up in the lobbies they will see that necessary wings would have to be provided to carry the traffic roads. The expenditure necessary for all this is, as I have said, ten lakhs more than the ordinary railway bridge will cost. I have referred to this as the immediate commitment. Let me explain this more precisely. The project for the railway bridge is now in hand, the Railway Engineers are already designing the bridge—and in order to design it they must know the weight the bridge is going to carry—they must know whether the piers should be strong enough to carry heavy roads—they must know if the wings are to be provided in order to determine their superstructure with all the stresses and strains that the bridge will be subjected to. They cannot, therefore, definitely design the bridge unless they know definitely one way or the other, whether we want them to design a bridge which will be capable of carrying roadways. If we do not tell them this now, the engineers will design a bridge sufficient merely for railway purposes, and it will be hereafter impossible for them to make any alteration or any provision for roads whatever.

Now, the time will come—it is sure to come sooner or later, when more bridges must be constructed across the Hooghly for traffic purposes. The Howrah bridge may suffice at the moment, but as Calcutta develops, and it is sure to develop, more bridges will be essential. (Hear, hear.) I do not imagine that there is any one here so shortsighted as to think that traffic with Howrah and the country to the north of Howrah will be sufficiently served by a single bridge between Calcutta and Howrah.

Now, as this House is aware from the discussions that have been going on in regard to the new Howrah bridge, bridges across the Hooghly are by no means cheap propositions. Even if we get a bridge much of the type of the present Howrah bridge, it will probably cost us about two crores of rupees. Now, if we take advantage of the construction of the railway bridge at Bally, the whole cost of two roadways and two footpaths from Bally across the river right up to the Barrackpore Trunk Road will be about Rs. 32 lakhs only. But if ten lakhs are provided now, we can ensure the eventual construction of a means of communication over the Hooghly between Bally and the Barrackpore Trunk Road for another Rs. 22 lakhs, instead of having eventually to spend about 2 crores of rupees. It would not be necessary to spend ten lakhs now, nor it is necessary to put down all the money for the new scheme. All that is now wanted is that the payment of Rs. 10 lakhs in the next few years will eventually make the scheme a cheap one. The roads and footpaths need not be made till the need is more insistent and funds perhaps more readily available. If we do not spend ten lakhs now, as I have said, a far larger expenditure will be entailed in the future. By taking advantage of the opportunity now, we secure a great bargain and we provide at a very cheap rate for the future development of Calcutta and Bengal generally. Just look at the situation as it will be when more progress is made in opening out Calcutta. The Central Avenue is being opened out away to the north up to Chitpur, the new Chitpur bridge is going to be built and, as I mentioned the other day, a great improvement of the Barrackpore Trunk Road will be taken in hand next year to make it more capable of carrying present day traffic. We should have a magnificent thoroughfare connecting the centre of Calcutta with the north and east, and with roadways across the Bally bridge, we should have a fine highway connecting Calcutta and East Bengal with the areas to the west on the other side of the river. It seems hardly necessary for me to refer to the inadequacy of the Grand Trunk Road on the west of the Hooghly with the single bridge at Howrah to cope with the volume of traffic that must eventually move into and out of Calcutta. And we must not forget the various towns—those big centres of industry on both banks of the Hooghly, north of Calcutta. They are all bound to expand and develop and with that expansion of area and population there must be a greater development in trade as between these towns and Calcutta, all of which will make the need for better communications all the more urgent. I have been told that representatives of the rural areas look upon the scheme as one primarily in the interests of Calcutta, and that they therefore look askance at the scheme which entails expenditure on Calcutta while their wants are not receiving adequate treatment. I do not know whether those who hold such views will modify their opinions by the proposals in next year's budget. But I should like to point out to them that this scheme will be no less beneficial to them than it is to the people of

Calcutta. Better communications between Calcutta and the mufassal are all to the advantage of the mufassal residents. They imply more rapid transport which means cheaper transport—they afford greater facilities for the transmission of produce from the country to the town, and generally they are to the advantage of the rural population as well as to the residents of Calcutta.

The project has been revised as regards the approaches, since I spoke on the question last December, and the figure for the whole complete scheme for roads and footways from Bally to the Barrackpore Trunk Road is Rs. 32 lakhs. But I may repeat that all this will not be spent now. It will suffice, if we take advantage of the bargain that we have in our hands, to commit ourselves only to the expenditure necessary to adapt the bridge to carry the roads whenever it is desired to construct them. That is a sum of ten lakhs only—a very small sum really for Bengal, and we do not have to pay it at once, nor indeed in one lump sum. About six lakhs would be payable in 1927 and the balance in the following year. For these payments we will ensure that Bengal will not in the future be faced with an expenditure of about 2 crores in building a bridge which will inevitably be necessary. We must have regard to the future, and we shall be accused of a great lack of foresight if we fail to take advantage of this opportunity and cumber the future administration of Bengal with a huge expenditure of possibly 2 crores when we can secure this advantage at so small a cost. The opportunity will not recur: we must make up our minds now; if we do not seize the present chance the opportunity will be gone for ever.

I commend therefore this resolution for the acceptance of the House.

Dr. PRAMATHANATH BANERJEA: This is a Government resolution, and it recommends to the Government that a certain step be taken. Now, Sir, what is the significance of this procedure? I have never heard of any person recommending a measure to himself, or of any body of persons recommending a resolution to themselves. Of course, we have heard of appeals having been made from Philip drunk to Philip sober. But our Government, I take it, is always sober, sane and sedate. (A VOICE: Question.) What, then, is the occasion for this resolution? (A VOICE: Bargain.) I am rather dull-witted, as I believe all members on this side of the House are. But I do hope and trust that my keen-witted friends who adorn the official benches will throw some light on this matter. Coming to the merits of the question, I frankly admit that some advantage will be gained by people living in this part of the Province if roadways and footpaths are provided on the proposed Bally bridge. But I submit that the main advantage will be reaped by the trade and commerce of the country. Is it not right and proper, then, that the Central Government which derives the whole benefit from this trade and commerce of the country should contribute in a fair measure

for the construction and maintenance of the roadways and footpaths. This resolution, on the other hand, recommends that the whole of the cost be thrown on the provincial revenues. I am unable to accept this position. If, however, any scheme be put forward in which the cost of the scheme is shared in a fair and equitable proportion by the Central Government, the Government of Bengal, the Calcutta Corporation and the suburban municipalities, it will command our support. Mr. Donald has said that the present resolution is somewhat different from that which was thrown out by this Council a few months ago. In what respect, may I ask? He says our present commitment is only Rs. 10,00,000. True. But it is only our present commitment, and that commitment will lead to a further commitment of Rs. 22 lakhs. In other words, the present resolution is the same in all essential respects as the resolution which was rejected by the Council. I do not know what has happened in the meantime that we should be asked to change our mind. I am unable to support this resolution in its present form, and I hope the Council will reject it.

Maulvi WAHED HOSSAIN: Perhaps the House is aware that almost a similar resolution was thrown out not long ago. I must frankly admit that there was some misapprehension of facts. The full facts were not placed before the House and the conclusion then arrived at was based on confusion of ideas. The main consideration which then persuaded the House to reject the resolution was the cost of the proposed Howrah bridge in addition to a portion of the cost of the Bally bridge which Government intend to charge on our revenues. Perhaps it is well known that the cost proposed at first was Rs. 8,00,000. Then it went down to Rs. 4·5 lakhs, then to Rs. 4 lakhs and I now understand from a letter, which has been recently circulated among members—I do not know whether I can refer to that—that the cost should be confined to Rs. 3·2 lakhs. If that be so then the question arises whether Rs. 3·2 lakhs will be the last limit of the expenditure which our Exchequer is required to pay or in course of time it will be increased. This matter was discussed in the Corporation also and there I found that the same confusion arose in the course of the discussion. The matter has not yet been finally decided, but as far as I understand from the trend of the discussion that the opinion of the Corporation is towards the acceptance of the cost of Rs. 3·2 lakhs or something like that for the proposed footpaths. The main question is whether we shall meet the whole cost, or the Government of India will also contribute something towards it. As has rightly been pointed out by my friend Dr. Pramathanath Banerjea that the Government of India will reap the benefit of it, it is just and proper that the Central Government should also contribute. There is one thing which may be pointed out. I frankly admit that if this opportunity is lost it will be very difficult for us

to get another opportunity of a similar nature. But then there should be a limit of the cost and if the Hon'ble Member, who has moved the resolution, gives us a sort of undertaking or at least a clear understanding on the point that the limit of cost will not exceed the limit of 3·2 lakhs and that the amount will be shared between the Central Government and the Provincial Government, then the question may be seriously considered by us. Another question which arises in this connection is this: whether the construction of the Bally bridge will have the effect of reducing the cost of the proposed Howrah bridge. The question is important in this way. We have to meet the cost of the Howrah bridge and the Calcutta Corporation is going to pay a portion of it if the Bill is passed. Now, if we are required to pay for the Bally bridge, then there will be a double burden on the Calcutta Corporation; and as an alderman I may say that the Calcutta Corporation is quite unable to bear the burden. Sir, I ask whether it is just and fair to burden the same body twice. If the construction of the Bally bridge and the footpaths reduces the cost of the Howrah bridge, then I submit that there should not be much objection to paying a portion of the cost from the Provincial revenue. I think that these matters will be made clear before the resolution is put to the vote.

Mr. K. CAMPBELL: Although this is, Sir, a question in regard to which I hold strong views I do not intend to speak at any great length. On the last occasion when a similar resolution was before the House it was rejected but I cannot help feeling that some members of the Council had not had at that time a sufficient opportunity of considering the question to enable them fully to appreciate its importance. It has been since discussed at a public meeting in Calcutta, and various letters explaining it have appeared in the newspapers. In fact it has now been fairly well ventilated, and I am not therefore without hope that some at any rate of the members of this House now view the project differently and more favourably.

The resolution which we have before us to-day is also different from its predecessor. We are now merely asked to vote a total sum of Rs. 10 lakhs in order that such provision may be made, in the steel work of the railway bridge, as will enable the roadways and footways to be added later. That is all that we are being asked to do to-day, and I certainly hope that the Council will accept the proposal. I know quite well, indeed we all know and realise, that the financial difficulties which confront this province are considerable; and that there is a great and pressing need for expenditure in many directions. But after all there are not really many things that are more pressing than means of communication; and means of communication across the river Hooghly are admittedly deficient and this deficiency will become more and more pronounced as time goes

on and traffic increases. I do feel therefore that we shall be making a great mistake if we allow this opportunity of providing for a second road bridge to slip by. It cannot be seriously disputed that a second road bridge, if it is not actually a necessity at the moment, will be very desirable in the near future. We now have a chance of making provision for such a roadway at a cost which is not more than a fraction of the cost of a bridge to be used exclusively for road traffic; and, as I have said, such an opportunity ought not to be lost.

I do trust, therefore, that the House will decide to accept this resolution, so that this great opportunity of providing an additional means of communication across the river may not be allowed to slip through our fingers.

Babu DEBI PROSAD KHAITAN: I have listened with great attention to the debate that has taken place over this motion. On the last occasion also when this question was brought before this House by the Government I had expressed myself in favour of that proposition. But then the resolution was worded in a manner that did not satisfy the conscience of a number of members of this House to enable them to vote in favour of it. As has been pointed out by the previous speakers the circumstances have changed to this extent, namely, that not only at public meetings in Calcutta but also in the Calcutta Corporation they have expressed themselves in favour of roadways being attached to the Bally bridge. I do not understand my friend Dr. Pramathanath Banerjea why he fails to understand as to how the Government can bring forward a resolution in the form that it has done. I believe he tried to be more humourous than serious in speaking in that vien. He knows perfectly well that the Government want to ascertain the views of this House before it can reply to the Railway authorities as to whether they should make provision for roadways in the Bally bridge or not. The only way to my mind, the Government can ascertain the views of this House is moving it in the form of a resolution and rules provide that all resolutions would be in the form of recommendations to the Government. As correspondence has taken place between the Railway authorities and the Government on this question it is only Government who can bring forward a resolution of this character; and although the philosophical temperament of my friend, Dr. Pramathanath Banerjea, or his psychological principles may not be quite satisfied with the form in which it has been put, his diplomatic sense will surely convince him that this is the only form in which the resolution could be brought forward.

As regards the objection raised by my friend Maulvi Wahed Hossain that the Government should give an undertaking about the limit of the expenditure that would be incurred in attaching roadways to the Bally bridge, it is natural that Government can give an undertaking of that kind if this House accepts this resolution. I cannot quite agree with

Mr. Kenneth Campbell when he says that this resolution binds this House only to a sum of rupees ten lakhs. If this House accepts this resolution it must do so under the impression that subsequently, or in the end, this House will be prepared to vote rupees thirty-two lakhs to provide roadways attached to the Bally bridge, and if this sum of twenty-two lakhs of rupees, be not voted by this House, there is no reason whatsoever why Government should be authorised to spend ten lakhs only to provide the steel framework for the proposed roadways to the Bally bridge. Therefore, Sir, the whole question resolves into this, namely, that this House should express its views on the question as to whether it is desirable to have roadways attached to the Bally bridge at a cost of thirty-two lakhs of rupees or not. Where the money is to come from will be a matter which will have to be discussed and decided afterwards. If this House is of opinion, as I think it is, that roadways are desirable in the interests of the people of this province, then this House should give its vote in favour of this proposition. Dr. Pramathanath Banerjea has said that it is the trade and commerce that would benefit by the attachment of roadways to the Bally bridge. But he did not go further and explain as to how trade and commerce will particularly benefit by the attachment of roadways and not the people of this province generally. My own impression is that trade and commerce will as much benefit by the roadways as the people of this province—not only those who live on the west side of the river, but also those who live on the eastern side. If this House will properly apply itself to the consideration of the question as to the means of communication between that part of Bengal lying on both sides of the bridge, they will surely come to the conclusion that there is a necessity for roadways being provided not only for the purpose of trade and commerce, but also for the people on both sides of the river residing in that part of this province. As to whether the Government of India should contribute towards the expenditure of this bridge or not, we have had sufficient experience of the attitude taken up by the Government of India in connection with the Howrah bridge. This House, if it votes in favour of this resolution, should do so under the conviction that the Government of India will not only not contribute towards the expenses of this bridge but also quite possible not allow the Central sources of revenue to be tapped for the purpose of providing the expenses of this bridge. After taking all these facts against ourselves I think, Sir, it would not be wise on our part to reject this opportunity and not to have roadways attached to the Bally bridge. As has been repeatedly pointed out, if this opportunity is lost, and if in future we find, as I think we shall, that a bridge is necessary between Bally and the eastern part of the river, then the smallest amount of expenditure that will be required to provide a bridge will be about two crores of rupees. Let us consider from that point of view. If we decide on having a bridge at a cost of two crores of rupees, what portion of that sum would we expect the

Government of India to contribute and, I think, if the question is considered from that point of view nobody will say that the Government of India could be expected to contribute more than 170 lakhs out of the two crores. Even then the Government of Bengal, or the people of Bengal, would have to contribute at least thirty lakhs towards the construction of that bridge. So to my mind whether the Government of India contributes towards this expenditure or allows Central sources of revenue to be taxed or not, the fact remains that if another bridge has got to be built then this province would have to contribute in any event something more than thirty-two lakhs, and that is the maximum that the Government of Bengal at present thinks that they will have to expend if roadways have to be attached to the Bally bridge. Then, Sir, it is under the present constitution that we have got to consider this question. There is no doubt about the fact that bridges are provincial subjects, and therefore we ought to assume that this province would have to bear the burden of this expenditure. We cannot begin with the assumption that the Government of India would bear any portion of that expenditure. I quite agree with my friends on the other side that we should make a representation to the Government of India in view of the great requirements of money in this province for the development of industries, agriculture, sanitation, and other measures, that they should bear the entire cost of the roadways. But all these problems are included in the furnishing of roadways and other means of communication. If we neglect our roadways, if we do not catch hold of opportunities, we shall find ourselves in the position of having to spend much more than we have to if we get hold of the opportunity at the right time. In this view of the matter, I hope that this Council will be of the same opinion as the Corporation of Calcutta in which my friends on the other side are in the majority, and they will not reject the motion with their peculiar impressions of the needs and interests of Calcutta. I hope this Council will accept the resolution in the form in which it has been brought forward by the Government.

Babu BEJOY KRISHNA BOSE: Sir, references have been made to the Calcutta Corporation and to the resolution passed by that body. I rise only to say what actually took place there. Of course the resolution was passed at a meeting of the Calcutta Corporation, and, as is well known to the citizens of Calcutta, the Corporation meets at 5 P.M. and automatically dissolves at 7 P.M. It was quarter to 7 and still this matter was not taken up and we found that the next item would not be reached and so most of the members left—and I am one of those who left the meeting. When it was twelve minutes to 7, this question was suddenly taken up and in a thin House the resolution was moved and carried; and when it came to our knowledge the next day, we protested, but we could not do anything because there is a rule in the Corporation that once a matter is disposed of it cannot be re-opened

within six months. That is the state of things with regard to the Calcutta Corporation. My friend, the last speaker, has said that there has been a change in the circumstances. I fail to see what the change is, I find that the European residents of Calcutta and especially the European members of this House have set their heart upon this project. Since the last meeting of the Council, when this motion was rejected, the only change in the circumstance is a meeting of the Rotary Club and this matter was discussed in the pages of the newspapers. I see, Sir, that in whatever subject the European members of the Council have set their heart upon they always carry it through in this Council whether it is the Ministers' salaries or the Bally Bridge or any other thing. We read in our school days: "Try, try, and try again." And if they are once defeated they bring it up again, and to-day, Sir, they will perhaps carry the motion in a thin House. But we may cry and cry hoarse, cry in the wilderness, our wishes are never fulfilled. So far as my feelings are concerned, as a man of Calcutta, I would like to have a bridge somewhere near Bally. Sir, it is not a provincial question: it is a question in which the people of Calcutta and the merchants, are primarily concerned: why should the people of Bengal pay rupees 10 lakhs for the present and rupees 20 to 22 lakhs hereafter for the purpose of the Bally bridge. Why should the people of the whole of Bengal should pay for this project which will benefit only the people of Calcutta and its surroundings. Why should not the Government of Bengal ask the Government of India to advance ten lakhs, and when the Government of Bengal take over the bridge they will pay back to the Government of India the sum with interest. Why should we now advance the money? People are dying in this country for want of money, and, as Sir P. C. Mitter had said, on the last occasion when this resolution was rejected by this Council, Government was always in want when asked to supply the needs of the people in the matter of kala-azar, malaria, primary education, and so on. I read in the newspapers that Mr. Lindsay was carrying on an agitation in Dacca and other places impressing upon the people the necessity of an education cess. If you want a certain amount for education then there must be an educational cess and the people of Bengal must pay. But when there is a question of constructing a bridge in which trade and commerce are primarily interested, then the provincial exchequer must pay. Why should the provincial exchequer pay? I say, let the Government of India advance the money, and if we hereafter take over the bridge we shall be glad to pay back the whole money with interest. I say, therefore, that there has been no change in the situation now. We rejected this resolution some months back and I hope the Council will reject it again.

Maulvi KADER BAKSH: I think I shall be lacking in my duty if I do not enter my emphatic protest against this resolution. Sir, I

believe, as every one should believe, that Government primarily exists for the people, for the masses, and not for any particular section or for any particular interest living in the country. I beg to submit that the greatest good to the greatest number should be the first object of every civilized Government. I have heard with the utmost attention the arguments most ingeniously advanced by my learned friend Mr. Khaitan. He says that it is desirable to have roadways attached to the Bally bridge. Sir, there are many things which can be desired in this earth and there are many things which everybody would like to have.. But at the same time we must take into consideration whether we have got the means to have the desired things. We must see that our expenses are incurred in such a way as to benefit the largest number of people over whom the Government rules. Now, Sir, my second point would be that although almost every member in this House urges the necessity for providing funds for such vital matters as malaria, kala-azar, and water-supply, which agitate the minds of the people living in the interior, I find that a very small amount has been provided in this year's Budget for these necessities. Now, while the people of this province are dying for want of a proper supply of good water, dying from malaria and kala-azar, has the Government any right to demand a sum of Rs. 32 lakhs, though at present Rs. 10 lakhs for roadways on the Bally bridge. I beg to submit, Sir, in this House that no attempt has been made to remove these evils in this province, and no attention has been paid to these in previous years though attempts have been made in this Council as also in the press. The Budget is silent on this point.

The Hon'ble the Finance Member only provides a few thousand rupees more than what was provided last year to eradicate kala-azar and malaria an improvement of education and for water-supply, whereas he has provided Rs. 10 lakhs for roadways on the Bally bridge. I take it that this bridge will benefit the commercial people or some other section of the people; would it do any good to the people living in the interior; why should these people suffer and be placed in a position like this?

The resolution, if carried in this House, will benefit only a small section of the people; I, therefore, under the circumstances, protest against the resolution.

Mr. F. E. JAMES: As one who had something to do with bringing up this matter again in the Council, I would like to say one or two things in reply to what members have said on the other side of the House. In the first place, I would like to explain that after the discussion of the previous resolution which was brought forward by the Government, a number of us both in the House and outside the House felt that owing to various circumstances the matter had not received

sufficient consideration, nor had the question been sufficiently understood by the members of this House. I therefore consulted the Government as to the possibility of re-opening the question, and I was told that this could not be done unless a sufficient number of members of the House were willing that the matter should be brought forward again. I consulted the leaders of the various parties in this House, and as a result a request was sent to Government signed by a large number of members representing various groups, asking that the matter should be rediscussed. The form in which the resolution now comes before the House is, in most respects, the form which was suggested to Government by those of us who were anxious that the matter should be rediscussed.

Dr Pramathanath Banerjea has said that the resolution recommends that the whole of the cost is to be borne by Bengal, and that therefore this resolution does not differ from the previous one moved in the House. Sir, that is not the case. If Dr. Banerjea will carefully look at the resolution again, he will realise that all the House is being asked to do to-day is to recommend to the Government that they do authorise the Railway authorities to make provision in the structure of the Bally bridge to allow for the construction of roadways for ordinary vehicular and foot traffic at a cost not exceeding Rs. 10 lakhs. A bridge is going to be built by the Railway authorities; they will build it whether we vote this money or not. If they build it without the necessary structure being added to carry roadways our chance is lost. We do not say to-day that we can afford the whole of the money now; that is not the point at all; we are not being asked to do that. All that we are being asked to do is, by paying so much money down, to buy an option on the bridge for the purpose of building roadways later on when money is available in Bengal. It has also been said that this bridge if built would only benefit a section of Bengal. Well, in the first place, if the bridge is to benefit trade and commerce in Calcutta, surely indirectly it benefits the whole of Bengal. Secondly, the bridge will not only benefit the Municipality of Calcutta, it will benefit to a very large extent the whole district of Howrah and the districts on both sides of the river and the large population down the Hooghly which is increasing rapidly every year. The only cost of buying an option on a bridge of that description is Rs. 10 lakhs, all of which will not be required to-day.

Then, it has been said, I think, by my friend Mr. Wahed Hossain "How do we know, supposing we spend Rs. 10 lakhs to-day, that 32 lakhs, which is the figure which is quoted for the whole of the bridge, will be the limit?" Well, Sir, I take it we cannot say with any absolute certainty what the total estimate will be to-day, but surely Mr. Wahed Hossain knows that before this money can be spent on the completion of the bridge, it will have to be voted by the Legislative Council. We are asking the Council to vote Rs. 10 lakhs to-day;

for any additional expenditure we will have to come to this Council, and the Council will then have another opportunity of saying whether it considers what particular limit on the expenditure should be placed.

There is one other point I would like to emphasise. Much has been made about the contribution of the Government of India and that question was asked by Sir P. C. Mitter in his speech on the question when it was last discussed in this Council. In the first place I would ask my friends to realise that the Government of India is making a contribution already by building the bridge; that surely is a considerable contribution to make, although I am aware they are taking it from the Railway Budget. But the bridge itself is the concern of the Government of India. In the second place by the form of this resolution we do not preclude the possibility of the Government's approaching the Government of India for a contribution to the bridge when the time comes for its completion. That is a point Sir P. C. Mitter raised in the last Council when we discussed the matter, and it is being brought forward again by me; he said he would be willing to support this proposal because it would leave the question open as to whether the Government of India would make a contribution to the further cost of the bridge, and he said also that he trusted that the Government of Bengal would make a representation to the Government of India for some kind of contribution towards the completion of the bridge.

There is only one other point to which I would like to refer. Mr. Wahed Hossain spoke about the relationship of this bridge to the Howrah bridge. I have read the debate which took place in the Calcutta Corporation when this matter was dealt with there by Mr. Madan Mohan Burman. In the first place, the new bridge, if it is provided with roadways, will very largely relieve the congestion of traffic which at present exists on the Howrah bridge itself, and it is reasonable to suppose that there is a possibility, if the Bally bridge is provided with roadways, that as a result the estimates of the new Howrah bridge might be reduced. It stands to reason that if you have an additional outlet across the Hooghly for traffic, then the actual carrying capacity of the Howrah bridge itself will not perhaps be required to be so great; the more bridges you provide across the Hooghly, the smaller will be the carrying capacity which the bridges have to bear.

I do not think any other point has been raised except this, that this is the last chance. There is not a "reasonable chance of the matter being re-opened again"; and if this House to-day is not willing to purchase this option, or to invest Rs. 10 lakhs as a form of insurance in getting this bridge across at Bally, the opportunity will not arise again.

The Hon'ble Mr. J. DONALD: The last speaker has met most of the arguments and left very little for me to say. On the point

raised by Dr. Pramathanath Banerjea I may say that this resolution is the only method now available by which we can get the opinion of the Council. We are not now asking for any money to be voted. The demand will come later. But meanwhile we have to say whether the scheme is approved; the expenditure will be incurred later on. As to the remarks of Maulvi Wahed Hossain, Rs. 10 lakhs has been given to me as the maximum for this immediate commitment. As for the other Rs. 22 lakhs for the construction of roadways and footpaths, it is not unlikely that this figure will diminish as time goes on.

The one important point that Mr. Kader Baksh forgets is that we are taking advantage of the opportunity of getting a bridge and roads for about Rs. 32 lakhs as against an expenditure of a possible 2 crores, the balance of Rs. 170 lakhs will be available for all the various purposes of which he has spoken. Provincial resources will be the poorer, when the time comes to build the bridge if we do not take advantage of this opportunity.

As regards the question of a contribution from the Government of India, that is a different matter, a constitutional question is involved, but if it is the feeling of this Council that we should ask the Government of India to make a contribution, I have no objection. But I would not rest any hopes on that.

I wish to make it quite clear that if we agree to accept this resolution we stand committed to the expenditure.

The motion of the Hon'ble Mr. J. Donald was then put, and a division taken with the following result:—

AYES.

Addams-Williams, Mr. C.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Ali, Mr. Altaf.
Barma, Hai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Campbell, Mr. K.
Chakravarti, Mr. Syomkes.
Chaudhuri, the Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Child, Mr. R. H.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Carseran, Mr. B. J.
Crawford, Mr. T. C.
Das, Babu Charu Chandra.
Das, Rai Bahadur Amar Nath.
Daud, Mr. M.
De, Mr. K. C.
Donald, the Hon'ble Mr. J.
Dose, Rai Bahadur Pyari Lal.
Drummond, Mr. J. G.
Dutt, Mr. G. S.
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghaznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Heard, Major General Richard.
Hopkyns, Mr. W. S.
Hossain, Nawab Musharruf, Khan Bahadur
Huq, Maulvi A. K. Fazl-ul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Morene, Dr. H. W. B.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Philip, Mr. J. Y.

Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy Choudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Ray, Mr. Tarit Bhusan.
Roy, Raja Manilall Singh.
Sarkar, Maulvi Allah Bukhsh.
Simpson, Mr. J. W. A.
Skinner, Mr. S. A.
Smaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Travers, Mr. W. L.
Wilson, Mr. R. S.
Woodhead, Mr. J. A.

NOES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Zannoor.
Ahsanullah, Mollah.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Biswas, Mr. Abdul Latif.
Bose, Babu Bejay Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Dey, Babu Beroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Jeardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasshid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjee, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Dr. Kumud Sankar.
Roy, Babu Sateowripati.
Roy, Dr. Sidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Chaudhuri, Babu Sailaja Nath.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Nemanta Kumar.
Sarker, Babu Naliniranjan.
Sen Gupta, Mr. J. M.
Suhrewardy, Dr. A.
Tarafdar, Maulvi Rajib Uddin.

The Ayes being 64 and the Noes 50, the motion was carried.

Mr. PRESIDENT: Gentlemen of the Council, with regard to the request made by several members of the Council for an extra day to discuss the Bills of Dr. Moreno, I have to state that His Excellency the Governor is unable to allot an extra day for non-official business in this session.

Adjournment.

The Council was then adjourned till 3 o'clock on Monday, the 1st March, 1926, at the Town Hall, Calcutta.

B. G. Press—17.3.1926—1670M—1,600—G. G. S.

INDEX

TO

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report.)

VOLUME XX—No. 1.—TWENTIETH SESSION.

16th to 19th and 22nd to 25th February, 1926.

Addy, Babu Amulya Dhone

Beggar nuisance, 282.
Chittagong Port, loans for development of—, 347.
Communal representation in Legislative Council, 130.
Fish Fry Preservation Bill, 1926, the Bengal. Motion for circulation, 113.
Grand Trunk Canal Project, 26
Holidays, extension of , 271.
Local Self-Government (Amendment) Bill, 1926, the Bengal, 103.
Ministers, motion for reduction of grant demanded for past , 342
Muhammadans, appointment of—in Government service, 78.
Slaughter of cows, 152
Village Self-Government (Amendment) Bill, 1925, the Bengal, 63, 67.
Village Self-Government (Amendment) Bill, 1925, by Maulvi Sayedul Hoque, the Bengal. Motion for circulation, 110.
Waterways, Survey of—, 225.

Adjournment, 74, 119, 146, 193, 247, 288, 348, 369.

Ahamad, Maulvi Asimuddin

Chandina, Sub-Registry office at—, 153.
Détenu Atindra Mohan Roy, 27.
Grant, motion for reduction of—, for Police buildings, 345.
Village Self-Government (Amendment) Bill, the Bengal, 64.

Ahmed, Maulvi Najmuddin

Reference to the death of—, 1.

Ahmed, Maulvi Tayebuddin

Brahmaputra Bridge, "pontage" charge on passengers over the , 202
Gouripur-Mymensingh railway junction, proposed overbridge at , 124.
Mymensingh-Bhairab Bazar Railway, accidents on the , 206.
Prisoners, religious instructions to—, 33.

Ahmed, Maulvi Zannoor

Assistant jailors, 295.
Copyists and typists of courts, 154.
Holidays, extension of—, 269.
Howrah Bar, engagement of pleaders of—to conduct Government cases, 153.
Physical culture in schools, 233.
Waterways, survey of—, 212.

Ali, Maulvi Sayyed Sultan

Bagerhat, passenger shed at steamer station at , 28.
Communal representation, 143.
Madrassah Committee, Calcutta, 80.
Process fees of civil suits, receipts from—, 28.

Arambagh Sub-Jail

Mosquito curtains supplied to prisoners of—, 24.

Bagchi, Babu Romes Chandra

Lalgolaghat steamer service with Malda section, 125.
Railway connection to Nawabganj, 17.
Waterways, survey of—, 226.

Bagerhat

Passenger shed at steamer station at—, 28.

Bakah, Maulvi Kader

Bally Bridge, construction of roadways to—, 364.
Holidays, extension of—, 272.
Howrah, legal practitioners engaged in Government cases in—, 28.
Waterways, survey of—, 226.

Bally Bridge

Construction of roadways to—, 355.

Banerjea, Dr. Pramathanath

Bally Bridge, construction of roadways to—, 358.
Bill, Calcutta Port (Amendment)—, 1926, 349.
Physical culture in schools, 236.

Banerjee, Babu Satya Kishore

Damodar Canal Scheme, 198.
Rent, arrears of, recovery by summary procedure, 289.

Banerjee, Mr. A. C.

Ministers, pay of past—, 343.
Ordered to withdraw, 139.
Physical culture in schools, 232.
Physical training in schools, 246.
Village Self-Government (Amendment) Bill, 1925, the Bengal, 47, 54, 70.

Baraset

Civil jurisdiction of—, 150.

Barisal

Railway connection to—, 15.

Barma, Rai Sahib Panchanan

Communal representation, 144.

Basu, Babu Jatindra Nath

Greaves Committee's recommendations, 28.
Nominated Chairman, 3.
Primary education, 29.

Basu, Babu Sarat Chandra

President, motion for removal of—, 337.

Beggar nuisance, 276.

" Benefactor "

Definition of—in grant-in-aid rules, 304.

Bhairab

Silt bar in the river—, 24.
Scheme, 200.
Bridge near Chaudanga,—Scheme 194

Bhatpara Municipality

System of election not extended to—, 305.
System of representation in—, 33.

Bhattacharjee, Jatindra Nath, internee, allowance of—, 14, 121.

Bill(s)

Calcutta Improvement (Amendment)—, 1925, the. Motion for consideration not moved, 100.
Calcutta Municipal (Amendment)—, 1926,—
Introduced, 350.
Referred to Select Committee, 351.
Calcutta Port (Amendment)—, 1926—
Introduced, 349.
Considered, 349.
Passed, 350.
Fish Fry Preservation—, 1926, by Shah Syed Emdadul Haq, the Bengal.—
Motion for reference to Select Committee, 112.
Motions for circulation, 113, 114.
Local Self-Government (Amendment)—, 1926, the Bengal—
Report of the Select Committee presents, 100.
Motion for consideration, 101.
Motion for recommital to Select Committee, 102.

Bill(s)

Village Self-Government (Amendment) —, 1926, the Bengal, by Babu Hemanta Kumar Sarkar—
Motion for consideration, 98.
Motion lost on a division, 99.
Village Self-Government (Amendment) —, 1925, the Bengal, by Maulvi Sayedul Hoque—
Motion for circulation, 110.
Motion for consideration, 108
Village Self-Government (Amendment) —, 1925, the Bengal, by Rai Harendranath Chaudhuri—
Considered, 40, 88.
Motion that the Bill be passed defeated, 97.
Select Committee's report presented, 38.
Taken into consideration, 38.
Non-official—, extra day prayed for not granted, 369.

Birley, Mr. L.

Village Self-Government (Amendment) Bill, 1925, the Bengal, 92.

Biswas, Mr. Abdul Latif

Holidays, extension of—, 272.
Took oath, 1.
Physical training in schools, 244

Biswas, Surendra Nath, a prisoner, 200.

Bose, Babu Bejoy Krishna

Bally Bridge, construction of roadways to—, 363.
Bill, Calcutta Municipal (Amendment), 1926, 353.
Ichapur High English School, Managing Committee of—, 154
Local Self-Government (Amendment) Bill, 1926, the Bengal, 103.
Physical training in schools, 239.
Tulasar Union Board, President of—, 304.

Brahmaputra Bridge

Pontage charge on passengers over the—, 202.

Budget for 1926-27

Introduction by Finance Member, 157.

Burdwan

District and local boards elections, 16.
Juror, death of a, at—, 195.

Calcutta

Motor-'buses, plying of, in—, 293.
Motor-car accidents in—, 301.
Plying of motor-lorries in—, 301
Swindlers in the northern division of—, 294.

Campbell, Mr. K.

Bally Bridge, construction of roadways to—, 360.
President, motion for removal of—, 321

Carmichael, Lord

Reference to the death of—, 2.

Chairmen

Panel of—constituted, 3

Chakravarti, Babu Jogindra Chandra

Waterways, survey of—, 216

Chakrabarti, Mr. Byomkes

President, motion for removal of—, 326

Chakravorty, Babu Sudarsan

Eastern Bengal Railway, lowering of culverts on—, 193
Qualification of honorary magistrates, 3
Tulasar Union Board, President of—, 295

Champdani Municipality

Labouring classes represented on—, 305.

Chandina

Sub-Registry office at—, 153

Chandpur

Through trains between Noakhali and—, 22

Chatterjee, Babu Umes Chandra

Beggar nuisance, 284.
Failure of crop in Vishnupur, 4.

Chatarji, Jibantal, state prisoner, 197.

Chaudhuri, Rai Narendranath

Beggar nuisance, 283.
Fish Fry Preservation Bill, 1926, the Bengal. Motion for circulation 114.
Khulna, settlement of land revenue of temporarily-settled estates in—, 207.
President, motion for removal of—, 321, 323.
Village Self-Government (Amendment) Bill, 1925, 38, 43, 67, 90, 92, 96.

Chaudhuri, Hon'ble Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur

Budget for 1926-27, 185.
Chakaria Sundarbans Forest Reserve, deforestation of—, 127.
Chandina, Sub-Registry office at—, 153.
Excise tax on date trees, 296.
Fish Fry Preservation Bill, 1926, the Bengal, 114.
Forests, demand for expenditure under —withdrawn, 341.
Registry offices, zenana waiting rooms at—, 306.
Russa distillery contractors, 306
Veterinary College, Bengal, 33

Chaudhury, Maulvi Md. Nurul Huq

Civil and Criminal Courts establishment in Noakhali, 5.
Ordered to withdraw, 138.
Plying of motor-lorries in Calcutta, 301.
Seamen, unemployment amongst—, 255.
Suspension of standing order 68 objected to, 137, 138.

Child, Mr. R. H.

Took oath, 1.

Chittagong

Chakaria Sundarbans Forest Reserve, deforestation of—, 127.
Loans for development of—Port, 346.

Chuadanga

Bridge near—in connection with Bhairab Scheme, 194.

Communal representation on Bengal Legislative Council, 129.

Communique

Concerning the death of a juror at Burdwan, 196.

Companyganj

Amalgamation of police-station, with thana Sonagazi,—, 20.

Cooper, Mr. C. G.

Took oath, 1.

Copyists and typists of courts, 25, 154.

Cows

Slaughter of—, 152

Crawford, Mr. T. C.

Took oath, 1.

Dacca mail disaster at Haisa, 123, 150.

Damodar Canal, 198.

Damodar Canal Scheme, 302.

Dankuni Khal, 206

Das, Amar Nath, Rai Bahadur

Took oath, 1.

Das, Dr. Mohini Mohan

Kumar river, proposal to build sluices and locks across the heads of spill channels of—, 202.
Namasudras, appointment of—to Judicial Service, 35.
Public Works Department, temporary men in—, 155.
State prisoner Pratul Ganguli, 203.
Waterways, survey of—, 229.

Das, Mehendra Nath

A prisoner in Suri Jail, 200.
Political convict, 29.

Das Gupta, Dr. J. M.

Ordered to withdraw, 139.

Date trees, excise tax on—, 296.

Datta, Babu Akhil Chandra

President, motion for removal of—, 311.
Village Self-Government (Amendment) Bill, 1925, the Bengal, 44, 54, 69.
Waterways, survey of—, 225.

Daud, Mr. M.

Holidays, extension of—, 272.
Seamen, unemployed amongst—, 249, 265.

De, Paramananda, détenu, 13, 21.

Détenus

Cost (average) of—, 197.

Dey, Babu Bereda Prasad

Accident at King George's Dock at Garden Reach, 5
Bill, Calcutta Port (Amendment), 1926, 350.
Calcutta Port Trust, Portland Park quarters for officers of—, 148.
Calcutta Port Trust, retrenchment in—, 147.
Dismissal of Mr. S P. Gupta, Assistant Director of Public Health, Rajshahi Circle, 120.
Excise tax on date trees, 296
King George's Dock, accident at—, 120.
Physical training in schools, 242.
Police Administration Committee, 1921, 81.
System of nomination by elected members of municipalities for Government appointment, 148
Village Self-Government (Amendment) Bill, 1925, the Bengal, 69.
Water-supply, grant for rural—, 297.
Waterways, survey of—, 224.

Divisions, 51, 56, 57, 60, 73, 89, 91, 97, 99, 105, 107, 110, 340, 345, 368.

Donald, the Hon'ble Mr. J.

Accident at King George's Dock at Garden Reach, 5.
Bagerhat, passenger shed at steamer station at—, 28.

Donald, the Hon'ble Mr. J.

Bally Bridge, construction of roadways to—, 355, 367.
Bill, Calcutta Port (Amendment), 1926, 349, 350.
Brahmaputra Bridge, "pontage" charge on passengers over the—, 202.
Budget, introduction of—, 157.
Calcutta Port Trust, Portland Park quarters for officers of—, 148.
Calcutta Port Trust, retrenchment in—, 147.
Eastern Bengal Railway, lowering of culverts on—, 193.
Fares and freights on inland steamers, 14
Gabkhan Bharami Khal steamer route, 15.
Gouripur-Mymensingh railway junction, proposed overbridge at—, 125.
Grand Trunk Road, repairs of—, 19.
Grant demanded for development of Chittagong Port, 346, 347
Grant demanded for police building, 345
Grant-in-aid rules, the word "Benefactor" in—, 304
Holidays, extension of—, 273.
Inland steamers, survey of—, 291.
Ichapur High English School, managing committee of—, 155.
Khulna Ghat steamer station, 157.
King George's Dock, accident at—, 120.
Lalgola Ghat steamer service with Malda section, 125.
Madrassah Committee, Calcutta, 80.
Maktabs and primary schools, 302.
Panchanantala Road in Howrah, light railway passing through—, 126.
Physical training in schools, 245.
Platforms in certain stations of East Indian Railway, 16.
Press, payment for piece-work in Bengal Government—, 207.
Press, piece-rate system in Bengal Government—, 30.
Primary education, 29, 156.
Primary education, legislation for—, 16.
Public Works Department, temporary men in—, 156.
Publications, purchase of, in United Kingdom, 30.

Donald, the Hon'ble Mr. J.

Railway connection to Barisal, 15.
Railway connection to Nawabganj, 17.
Railway from Santipur to Krishnagar, 122.
Retrenchment in services on Retrenchment Committee's recommendations, 152.
Revenue paid by inland steamer companies, 14.
Santipur-Krishnagar Railway, reduction of train service on—, 292.
Santipur-Krishnagar Railway, train service on—, 303.
Santipur railway station, 24.
Seamen, unemployed amongst—, 263, 266
Serajganj Court railway station, 156.
Train service between Noakhali and Chandpur, 22

Drummond, Mr. J. G.

Took oath, 1.
Village Self-Government (Amendment) Bill, 1925, the Bengal, 71

Dunia Khal, 205

East Indian Railway

Platforms in certain stations of the Howrah-Burdwan Chord and Bandel-Katwa lines of—, 16

Eastern Bengal Railway

Culverts, lowering of—, 193

Electoral Rules, Amendment of Bengal—, 129.

Fishery rights in navigable rivers, 26.

Forests

Motion demanding expenditure under—, withdrawn, 341.

Forrester, Mr. J. Campbell

Beggar nuisance, 276, 287.

Gabkhan Bharani Khal, 14, 23.

Gabkhan Bharani Khal steamer route, 194.

Gafur, Maulvi Abdul

Communal representation on Legislative Council, 129.
"Mr." and "Babu", designation of officers with—, 149.
Serajganj Court railway station, 156.
Waterways, survey of—, 214.

Gangakhali and Suadighi Khals, 208.

Ganguli, Pratul, a state prisoner, 203.

Ganguli, Babu Khagendra Nath

Assistant Jailors, 300.
Grand Trunk Road, repairs of—, 18.
Ministers, motion for reduction of grant demanded for past—, 342.
Panchanantala Road in Howrah, railway passing through—, 126.
Physical training in schools, 242.
Seamen, unemployment amongst—, 259.
Village Self-Government (Amendment) Bill, 1925, the Bengal, 68.

Garulia Municipality

System of election not extended to—, 305.

Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan

Holidays, extension of—, 270.
Waterways, survey of—, 212.

Gouripur-Mymensingh railway junction

Proposed overbridge at—, 124.

Government of India Act

Motion under section 72C(4) of—, 306.

Grand Trunk Canal Project, 26.

Grand Trunk Road

Repairs of—, 18.

Grant-in-aid rules

The word "Benefactor" in—, 304.

Grants, demands for—, 341.

Grants, demands for—

"8A.—Forests," 341.
"22—General Administration," 341.
"60—Civil Works," 345.
Loans and Advances, 346.

Greaves Committee's recommendations, 28.

Guha, Mr. P. N.

Communal representation, 145.

Gupta, Dr. S. P.

Dismissal of—, Assistant Director of Public Health, Rajshahi Circle, for taking part in a political movement, 120.

Garulia Municipality

System of representation in—, 33.

Haidar, Mr. S. N.

Allowance to internee Jatindra Nath Bhattacharji, 14.
Das, Mohendra Nath, political convict, 29.
Détenu Paramananda De, 13.
Internee Jatindra Nath Bhattacharji, 121.
Medical practitioners for détenus at Kulpi, 13.
Tramways men, assault on, at Kalighat depôt, 75.

Haldi

Projected canal between Kalighai and—, 204.

Haina

Dacca mail disaster at—, 123.

Haq, Kazi Zahirul, Khan Bahadur

Lakkhya river near Ghorasal, 21.

Haq, Shah Syed Emdadul

Communal representation, 133.
Fish Fry Preservation Bill, 1926, the Bengal. Motion for reference to Select Committee, 112.
Holidays, extension of—, 271.
Ministerial officers, extension of service to—after 55 years, 204.

Haq, Shah Syed Emdadul

Physical culture in schools, 233.
Seamen, unemployment amongst—, 257.
Village Self-Government (Amendment) Bill, 1925, the Bengal, 45, 61.
Waterways, survey of—, 211.

Holidays, extension of public—, 267.

Honorary Magistrate

Qualifications of—, 3.

Hooghly District Jail

Mosquito curtains supplied to prisoners of—, 24.

Hoque, Maulvi Sayedul

Bill, Calcutta Municipal (Amendment), 1926, 352.
Companyganj, amalgamation of—with Sonaganj thana, 20.
Holidays, extension of—, 268.
Local Self-Government (Amendment) Bill, 1926, the Bengal, 101
Noakhali, additional judicial assistance to—, 22
Noakhali, civil appeals with the District Judge of—, 194, 198, 199.
Noakhali District Board, election of Chairman—, 149.
Noakhali, District Judge of—, 23.
Standing orders, leave for motion to amend—, 37.
Train service between Noakhali and Chandpur, 22.
Village Self-Government (Amendment) Bill, 1925, the Bengal. Motion for consideration, 108.

Hospitals

Levy of fees from patients, 31.

Hossain, Maulvi Wahed

Bally Bridge, construction of roadways to—, 359.
Bhatpara, Garulia and Tittagar Municipalities, system of representation in—, 33.
Kamarhati Municipality, system of election extended to—, 304.
Physical culture in schools, 234.
Primary education, 156.
Village Self-Government (Amendment) Bill, 1925, the Bengal, 58.

Howrah

Gang case at—, 293.
Legal practitioners engaged in Government cases in—, 28.
Government cases and engagement of pleaders of—Bar, 153.

Huq, Maulvi A. K. Fazl-ul-

Communal representation, 135.
Fares and freights on inland steamers, 14.
Gabkhan Bharani Khal steamer route, 14, 23.
Inland steamers, survey of—, 290.
Railway connection to Barisal, 15.
Revenue paid by inland steamer companies, 14.

Huq, Maulvi Ekramul

Communal representation, 142.
Nominated Chairman, 3.
President, motion for removal of—, 333.
Waterways, survey of—, 222.

Huq, Mr. Mahbubul

Deputy Jailors, selection of—, 83.
Press, payment for piece-work in Bengal Government—, 207.
Press, piece-rate system in Bengal Government—, 30.
Reorganisation of jails establishments, 81.
Seamen, unemployment amongst—, 260.
Village Self-Government (Amendment) Bill, 1925, the Bengal, 46.

Ichapur High English School

Constitution of Managing Committee of—, 154.

Inland steamers, survey of—, 290.

Jails, visiters of—, 35.

Jails Department

Reorganisation of—establishments, 81, 84.

Jailors, Assistant, 295, 300.

Jailors, selection of deputy, 83.

James, Mr. F. E.

Bally Bridge, construction of roadways to—, 365.
Communal representation, 132.
Physical culture in schools, 237.
Publications, purchase of—in United Kingdom, 30.

Jessore

Schemes for improvement of rivers of—, 195.
Settlement expenses of—, 200.

Juror

Death of a—, at Burdwan, 195.

Kalighai

Projected canal between—and Haldi, 204.

Kamarhati Municipality

Elective system introduced in—, 304.

Kana Nadi, Saraswati and—, 34.

Khaitan, Babu Debi Prosad

Bally Bridge, construction of roadways to—, 361.

Khan, Babu Debendra Lal

Midnapore, elections and nominations of members of local boards of—, 121.

Khan, Maulvi Abdur Rashid

Nagendra Kuri, death of—, at the hands of dacoits, 150.

Khan, Maulvi Amanat

Chakaria Sundarbans Forest Reserve, deforestation of—, 127.

Khulna

Settlement of land revenue of temporarily-settled estates in—, 207.

Khulna Ghat steamer station, 157.

King George's Dock

Accident at—, 5, 120.

Krishnagar

Railway line from Santipur to—, 122.

Kulpi

Medical practitioners for detenus at—, 13.

Kumar River

Proposals to close khals south of—, 202.

Kunti Nadi, 35.

Kuri, Nagendra

Death at the hands of dacoits, 150.

Lakhya River

Silting up of—, near Ghorasal, 21.

Lal Mahammed Haji

Nator-Rajshahi Motor Service, 127.
Waterways, survey of—, 218.

Lalgolaghat

Malda steamer service, 125.
Rajshahi steamer service, 125.

Listed posts and Bengal Civil Service Officers, 301.

Madrassah Committee, the Calcutta—, 80.

Maity, Babu Mahendra Nath

Dunia khal, 205.
Kalighai and Haldi, projected canal between—, 204.
Rupnarain river, sluice for taking in water from—, 206.
Suadighi and Gangakhali khals, 208.
Waterways, survey of—, 230.

Malda

Steamer service to—, 125.

Members, attendance of—, 1, 75, 120, 147, 193, 248, 289, 349.

Members sworn in, 1.

Members, withdrawal of—, 138, 139.

Midnapore

Delay in publishing the result of elections and nominations to local boards, 121.

Ministers

Demand for back pay of—, 341.

Minorities and commercial interests

Representation of—on Legislative Council, 137.

Mitra, Babu Jogendra Nath

Bhairab river, removal of silt bar in—, 21.
Bhairab scheme, 200.
Bhairab scheme, question of a bridge near Chundanga, 194.
Jessore river, schemes for improvement of—, 195.
Motor-car accidents in Calcutta, 301.
Motor traffic in mufassal, damage to road owing to—, 291.

Mitter, Sir Provash Chunder

President, motion for removal of—, 328, 329, 331.

Mora Ganga Channel, 209.

Moreno, Dr. H. W. B.

Bill, Calcutta Municipal (Amendment)—, 1926, 354.
Communal representation, 132, 145.
Physical culture in schools, 235.
Primary education, legislation for—, 15.
Santipur railway station, 24.
Santipur-Krishnagar railway, reduction of train service on—, 292.
Seamen, unemployment amongst—, 258.

Morgan, Mr. G.

Nominated Chairman, 3
Took oath, 1.

"Mr." and "Babu"

Designation of officers with—, 149.

Muhammadans

Percentage of appointments given to—, 31.
Rules for appointment of—in Government service, 78.

Mukerjee, Babu Taraknath

Burdwan, death of a juror at—, 195.
Dankuri khal, 206.
Kunti Nadi, 35.
Mosquito curtains supplied to prisoners of malarious districts, 24.
Platforms in certain stations of East Indian Railway, 16.
Rorha khal, 34.
Saraswati and Kana Nadi, 34.

Mukerji, Mr. S. C.

Communal representation, 134.
Physical training in schools, 244.

Muksudpur

Civil jurisdiction of certain villages within police-station—, 123.

Maktabs and primary schools, 302.

Municipalities

System of nomination by elected Commissioners for Government appointment, 148.

Mymensingh-Bhairab Bazar railway

Accidents on the—, 206.

Namasudras

Appointment of—to Bengal Judicial Service, 35.

Nator-Rajshahi Motor Service, 127.

Nawabganj

Railway connection to—, 17.

Neogi, Babu Manmohan

District and local boards' election in Burdwan, 16.

Noakhali

Civil appeals with the District Judge of—, 194, 198, 199.
Civil and Criminal Courts' establishment in—, 5.
District Judge of—, 23.
Election of Chairman of District Board of—, 149.
Judicial assistance to—, 22.
Thana jurisdictions of—, 20.
Through trains between Chandpur and—, 22.

Nasker, Babu Nem Chandra

Khulna Ghat steamer station, 157.
Mora Ganga Channel, 209.

Panchanantala Road in Howrah

Light railway passing through—, 126.

Philip, Mr. J. T.

Took oath, 1.

Police Administration Committee, 1921, 81.

Police buildings, grant demanded for, 345.

Port Trust, Calcutta

Portland Park quarters for officers of—, 148.
Retrenchment in—, 147.

President

Adjournment to 10-30 A.M. owing to garden party at Government House, 239.
Amendment to resolution without notice, 137.
Arguments not permissible in questions, 83.
Communicates Governor's decision not to allow an extra day for non-official business, 369.
Consent of the members named in a motion is necessary to the moving of the motion, 248.
Discussion not to be permitted during questions, 79.
Grant which has been made cannot be rediscussed in Council, view that—is wrong, 344.
Members entering the Chamber after the division bell ceased to ring, but before the doors are locked are entitled to vote, 107.
Members in the gallery are in the House, 105.
Member not withdrawing his remark though asked to do so, 37.
Members ought not to be carried away by their feelings. They should confine their remarks to the point under discussion, 337.
Members not to practise any canvassing, pulling and dragging of members inside the Chamber, 339.
Members should sit down when the President is on his legs, 83.
Members, withdrawal of, 138, 139.
Motion for reference to Select Committee allowed omitting names of certain members whose consents were not received, 111.
Motion for removal of—, 306.

President

Presides over discussion of motion against him and at the time of division, 339.
Questions of principle to be dealt with in debate rather than in reply, 79.
Recognises no master except the House which only can interfere with his action, 289.
Remarks about the entertainment of a vernacular reporter, 3.
Resolution partly analogous to one under discussion not moved as amendment, 234.
Right of reply, mover of an amendment has no—, 51.
Standing order 68 suspended to allow motion without notice, 137.
Standing orders, action taken to constitute a Select Committee to consider the proposed amendment of—, 37.
Statement in reply, it is not for, to decide, 201.
Statement outside the House is not relevant inside, 343.
Supplementary question, a big question is not a—, 36.
Supplementary questions cannot be put when passed on to the next item of business, 36.
Supplementary question, no statement allowed in—, 202.
Supplementary questions not permitted as abuse of the right of questioning, 36, 78, 79.
Supplementary questions not to be permitted if they be matters of opinion, 80.
Supplementary questions objected as being a request for action, 79, 128.
Supplementary questions which are not intelligible are not allowed, 83.
Thanks offered to the House for upholding the dignity of the House and its—, 341.
While standing, a member should resume his seat at once, 36.

ces

Piece-rate system in Bengal Government—, 30.
Piece-work, payment for—in Bengal Government—, 207.

Primary education, 15, 29, 156.

Primary schools and maktabs, 302.

Prisoners

Permission to special class—to perform Saraswati Puja, 77.

Process fees of civil suits, receipts from—, 22.

Public Works Department

Temporary men in—, 155.

Publications

Purchase of—in United Kingdom, 30

Quader, Maulvi Abdul

Jessore settlement expenses, 200.
Muhammadans, percentage of appointments given to—, 31.
Maktabs and primary schools, 302.
Typists and Copyists of Courts, 25.

Rahim, Sir Abd-ur

Minorities and commercial interests, amendment to resolution regarding—, 137, 139.
President, motion for removal of—, 324.
Took oath, 1.

Rajshahi-Nator Motor Service, 127.

Ray, Babu Surendra Nath

Hospitals, levy of fees from patients, 31.
Jails, visitors of—, 35.

Ray, Dr. Kumud Sankar

Dey, Paramananda, détenu, 21.
Muksudpur police-station, civil jurisdiction of certain villages of —, 123.
Ordered to withdraw, 138.
Reorganisation of Jails establishments, 84.
Saraswati Puja, permission to special class prisoners to perform—, 77.

Ray, Hon'ble Kshaunish Chandra, Maharaja Bahadur of Nadia

Beggar nuisance, 285.
Bhairab river, removal of silt bar in—, 24.
Bhairab scheme, 200.
Bhairab scheme, question of a bridge near Chuadanga, 194.
Bhatpara, Garulia and Tittagar municipalities, system of representation in—, 33.
Bill, Calcutta Municipal (Amendment), 1926, 350, 355.
Budget for 1926-27, 179.
Champdani Municipality, labour represented on—, 305.
Damodar Canal Scheme, 198.
Damodar Canal Scheme and re-excavation of Saraswati, 303.
Dankuri khal, 206.
Dismissal of Mr. S. P. Gupta, Assistant Director of Public Health, Rajshahi Circle, 121.
District and local boards' elections in Burdwan, 17.
Dunia Khal, 205.
Failure of crop in Vishnupur, 5.
Fishery in navigable rivers, 26.
Gahkhan Bahrani Khal steamer route, 23.
Grand Trunk Canal Project, 27.
Hospitals, levy of fees for patients, 31.
Jessore rivers, schemes for improvement of—, 195.
Jessore settlement expenses, 200.
Kalighai and Haldi, projected canal between—, 204.
Kamarhati Municipality, system of election extended to—, 305.
Khulna, settlement of land revenue of temporarily settled estates in—, 208
Kumar river, proposals to close khals south of—, 203.
Kunti Nadi, 35.
Lakkhya river near Ghorasal, 21.
Local Self-Government (Amendment) Bill, 1926, by Maulvi Sayedul Hoque, the Bengal, 100.
Midnapore, elections and nominations of members of local boards in—, 122.
Mora Ganga Channel, 209.
Motor traffic in mufassal, damage to roads due to—, 292.

Ray, Hon'ble Kshaunish Chandra, Maharaja Bahadur of Nadia

Noakhali District Board, election of Chairman, 150.
Rent, arrears of, recovery by summary procedure, 289.
Rorha Khal, 35.
Rupnarain river, sluice for taking in water from—, 206.
Saraswati and Kana Nadi, 34.
Slaughter of cows, 152.
Sundighi and Gangakhali Khals, 209.
System of nomination by elected members of municipalities for Government appointment, 149.
Tulasar Union Board, President of—, 296, 304.
Village Self-Government (Amendment) Bill, 1925, the Bengal, 40, 48, 55, 59, 63.
Village Self-Government (Amendment) Bill, 1926, by Babu Hemanta Kumar Sarkar, 98.
Village Self-Government (Amendment) Bill, 1925, by Maulvi Syedul Hoque, the Bengal, 108, 110.
Village Self-Government (Amendment) Bill, 1925, by Rai Harendranath Chaudhuri. Presents report of Select Committee on the Bengal, 38.
Water-supply, grant for rural—, 297.
Waterways, survey of—, 230.

Ray, Jagadindra Nath, Maharaja of Nator

Reference to the death of—, 2.

Ray Chaudhuri, Mr. K. C.

Champdani Municipality, labour represented on—, 305.
Russa distillery, contractors to manufacture country liquor at—, 305.

Ray Chaudhuri, Manmatha Nath, Raja, of Santosh

Nominated Chairman, 3.

Registry Offices

Zenana waiting-rooms at—, 306.

Reports

About an accident at King George's Dock at Garden Reach, 5—12.

Resolutions

On matters of general public interest—
Non-official, 129, 209.
Official, 355.

Retrenchment Committee, Bengal

Retrenchment in services on the recommendation of—, 152.

Rerha Khal, 34.

Roy, Atindra Mohan, détenu, 27.

Roy, Babu Manmatha Nath

Damodar Canal Scheme and re-excavation of Saraswati, 303.
Howrah gang case, 293.
Motor-buses, plying of—, in Calcutta, 293.
President, motion for removal of—, 327.

Roy, Dr. Bidhan Chandra

Bill, Calcutta Municipal (Amendment), 1926, 354.
Calcutta, swindlers in north—, 294
Civil jurisdiction of Sealdah and Baraset, 150.
Fish Fry Preservation Bill, 1926, the Bengal, 117.
President, motion for removal of—, 314, 329.

Roy, Lt. Bijoy Prosad Singh

Letter of acknowledgment from, read, 75.

Roy, Mr. D. N.

Dacca Mail disaster, 151.

Roy, Mr. Kiran Sankar

Détenus, allegation of ill-treatment in the petitions of—, 17.
Détenus, average cost of—, 197.
Proscription of certain books, 17.
State prisoner Jibanlal Chatarji, 197.
Village internees, 197.
Village Self-Government (Amendment) Bill 1925, the Bengal, 42.
Waterways, survey of—, 225.

Roy, Mr. Tarit Bhusan

Holidays, extension of—, 267, 275.
Judicial and Executive functions, 20.
Retrenchment in services on Retrenchment Committee's recommendation, 152.
Waterways, survey of—, 214.

Roy Choudhuri, Satyendra Nath, Rai Bahadur

Waterways, survey of—, 223.

Rupnarain river

Sluice for taking in water from—, 206.

Russa Distillery

Contractors to manufacture country liquor at—, 305.

Salam, Maulvi Abdus, Khan Bahadur

Waterways, survey of—, 228.

Santipur

Railway line from—to Krishnagar, 122.
Railway station at—, 24.

Santipur-Krishnagar Railway

Reduction of train service on—, 292, 303

Saraswati

Re-excavation of river—, 303.
And Kana Nadi, 34
Permission to special class prisoners to perform—Puja, 77.

Sarkar, Babu Hemanta Kumar

Dacca mail disaster, 123
Fish Fry Preservation Bill, 1926, the Bengal, 116, 117
Fishery in navigable rivers, 26.
Santipur-Krishnagar Railway, train service on—, 303.
Village Self-Government (Amendment) Bill, 1926, the Bengal, 98.

Sarkar, Babu Naliniranjan

Listed posts, vacancies in—, 301.
Mohendra Nath Das and Surendra Nath Biswas, about the health of—prisoners, 200.
State prisoners and détenus, searches of—, 77.
Waterways, survey of—, 209.

Sasmal, Mr. B. N.

Grant-in-aid rules, the word "Benefactor" in—, 304.
Motion for recommital of Bengal Local Self-Government (Amendment) Bill, 1926, to Select Committee, 102.
President, motion for removal of—, 306, 335.
Village Self-Government (Amendment) Bill, 1925, the Bengal, by Rai Harendranath Chaudhuri, 40, 52, 61, 65.
Waterways, survey of—, 219.

Schools

Physical training in—, 232.

Sealdah

Civil jurisdiction of—, 150

Sen Gupta, Mr. J. M.

Ordered to withdraw—, 139.
President, motion for removal of—, 331

Seraiganj Court railway station

Proposal to abolish—, 156.

Serampore Sub-Jail

Mosquito curtains supplied to prisoners of—, 24.

Simpson, Mr. J. W. A.

Took oath, 1.

Skinner, Mr. S. A.

Took oath, 1.

Standing Orders

Leave for motion to amend order 43 of—, 37.
Report of the Select Committee on the proposals of Shah Syed Emdadul Haq presented, 98.

State prisoners and détenus

Searches of—, 77.

Stenographer

Question of appointing a vernacular—for reporting Bengali speeches, 3.

Stephenson, the Hon'ble Sir Hugh

Adjournment suggested owing to withdrawal of members, 146.
Allowance of internee Jatindra Nath Bhattacharjie, 14.
Assistant Jailors, 295, 301.
Bill, Calcutta Municipal (Amendment)—, 1926, 352.
Budget for 1926-27, 176.
Burdwan, death of a juror at—, 196.
Calcutta, swindlers in north—, 294.
Civil and Criminal Courts' establishments in Noakhali, 5.
Civil jurisdiction of Baraset and Sealdah, 150.
Communal representation on Legislative Council, 136, 145.
Companyganj, amalgamation of—, with Sonagazi thana, 21.
Copyists and typists of courts, 154.
Cost (average) of détenus, 197.
Dacca Mail disaster, 123, 151.
Das, Mohendra Nath, political convict, 29.
Deputy Jailors, selection of—, 84.
Détenu Atindra Mohan Roy, 27.
Détenu Paramananda De, 13.
Détenus, allegations of ill-treatment in the petitions of—, 17.
De, Paramananda, détenu, 21.
Greaves Committee's recommendations, 28.
Honorary Magistrate, 4.
Howrah, legal practitioners engaged in Governmnet cases in—, 28.
Howrah Bar, engagement of pleaders of—, to conduct Government cases, 154.
Howrah gang case, 293.
Internee Jatindra Nath Bhattacharjee, 14.
Jails, visitors of—, 36.
Judicial and Executive functions, 20.
Juma, adjournment of courts for—, 32
Listed posts, vacancies in—, 301.
Local Self-Government (Amendment) Bill, 1926, by Maulvi Sayedul Hoque, the Bengal, 104.
Medical practitioners for détenus at Kulpi, 13.
Ministerial Officers, extension of service to, after 55 years, 204.
Ministers, demanded pay of past—, 341, 344.

Mukherjee, the Hon'ble Sir Hugh

Mohendra Nath Das and Surendra Nath Biswas about health of prisoners, 201.

Mosquito curtains, supply of, to prisoners in malarious districts, 25.

Motor buses, plying of—, in Calcutta, 298.

Motor-car accidents in Calcutta, 302.

"Mr." and "Babu" as officers' designation, 149.

Muhammadans, appointment of—in Government service, 78.

Muhammadans, percentage of appointment given to—, 31.

Muksudpur police-station, civil jurisdiction of certain villages of—, 123.

Mymensingh-Bhairab Bazar Railway, accidents on the—, 206.

Nagendra Kuri, death of, at the hands of dacoits, 150.

Namasudras, appointment of—to Judicial Service, 35.

Nator-Rajshahi Motor Service, 127.

Noakhali, additional judicial assistance to—, 23.

Noakhali, appeal cases with the District Judge of—, 194, 198, 199.

Noakhali, District Judge of—, 23.

Plying of motor-lorries in Calcutta, 301.

Police Administration Committee, 1921, 81.

President, motion for removal of—, 317, 321, 323.

Prisoners, religious instructions to—, 33.

Process-fees of civil suits, receipts from, 28.

Proscription of certain books, 17.

Reorganisation of jails establishments, 82, 85.

Saraswati Puja, permission to special class prisoners to perform—, 77.

State prisoners Jibanlal Chatarji, 198.

State prisoner Pratul Ganguli, 204.

State prisoners and détenus, searches of—, 77.

Tramways men, assault on—at Kalighat, 76.

Typists and copyists of courts, 26.

Village internees, 197.

Sundighi and Gangakhali Khals, 208.

Tarafdar, Maulvi Rajibuddin

Juma, adjournment of courts for—, 32.

Registry offices, zenana waiting-rooms at—, 306.

Tenancy Act, Bengal

Proprietors permitted to recover arrears of rent by summary procedure under section 158A of —, 290.

Titagar Municipality

System of election not extended to , 305.

System of representation in—, 33.

Tramways

Assault on men at Kalighat Depot by constables, 75.

Travers, Mr. W. L.

Holidays, extension of —, 273.

Seamen, unemployment amongst—, 257.

Tulasar Union Board, President of—, 295, 304.

Typists and copyists of courts, 25, 154.

Veterinary College, Bengal, 32.

Villiers, Mr. E.

Local Self-Government (Amendment) Bill, 1926, by Maulvi Sayedul Hoque, the Bengal, 101.

Vishnupur

Failure of crop in—, 4

Water-supply

Grant for rural —, 297.

Government order describing the policy of grant, for rural—, 297.

Waterways, Survey of—, 209.

Wilson, Mr. R. B.

Took oath, 1.

Yasin, Maulvi Md.

Veterinary College, Bengal, 32.

B. G. Press—6.2.1928